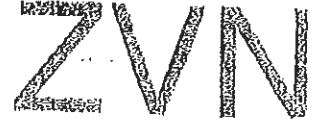


EXHIBIT A



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY



Department of Inspections and Standards

ZONING VIOLATION NOTICE

Today's Date: November 2, 2023
 Inspector: Alexis Thompson
 Date of Inspection: October 26, 2023
 Property Address: 487 Hope St. Providence, RI 02906
 Plat-Lot-Unit: 006-0415-0000
 Zoning District: R-2 Residential District

Owner/Mortgagee	Address	City	State	Postal Code
LGE Realty, LLC	65 Huling Lane	East Providence	RI	02918
I & R Realty Corp.	PO BOX 603415	Providence	RI	02906

Violation Details:

Upon inspection, the property has been found to be using the corner side yard for the parking of vehicles, accessed by passage over the curb and sidewalk, and resulting in encroachment into the right of way, in violation of Zoning Ordinance Sections 1404.B, and 1407.B.

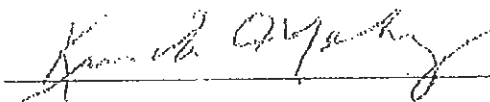
Further, the property is violation of the limits of total impervious surface as set forth in Zoning Ordinance Table 4-1.

Pursuant to Rhode Island General Laws § 45-24-60 and Article 21, Section 2100.D. of the Zoning Ordinance, you are subject to a penalty of up to \$500.00 per day for each violation of the Ordinance. Each day of a violation constitutes a separate violation subject to penalty.

You have the right to appeal this Zoning Violation to the Zoning Board of Review. Pursuant to Zoning Ordinance Section 1918(D), an appeal must be filed within twenty (20) days of the date of the recording of this Notice in the land evidence records. This Notice of Violation will be recorded on the same day of issuance. The appeal period does not prevent the Office of the City Solicitor from exercising its statutory authority to seek injunctive relief.

The appeal shall be filed with the Zoning Board of Review on the form entitled "Notice of Appeal" which may be found at: <https://www.providenceri.gov/inspection/boards-of-review/>, or obtained by contacting the Zoning Board of Review Office at 401-680-5375.

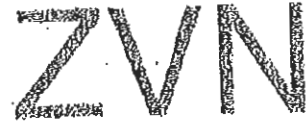
You may also contact the Zoning Office if you believe this violation has already been cured, or to discuss how to cure this violation and resolve this matter without the necessity of an appeal - athompson@providenceri.gov or 401-680-5376.



Authorized Signature - Division of Structures & Zoning



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY



Department of Inspections and Standards

ZONING VIOLATION NOTICE

Today's Date: November 2, 2023
 Inspector: Alexis Thompson
 Date of Inspection: October 26, 2023
 Property Address: 491 Hope St Providence, RI 02906
 Plat-Lot-Unit: 006-0439-0000
 Zoning District: R-2 Residential District

Owner/Mortgagee	Address	City	State	Postal Code
LGE Realty, LLC	65 Huling Lane	East Providence	RI	02818
I & R Realty Group	PO BOX 603415	Providence	RI	02906

Violation Details:

Upon inspection, the property has been found to be using the front yard for the parking of vehicles, accessed by passage over the curb and sidewalk, and resulting in encroachment into the right of way. In violation of Zoning Ordinance Sections 1404.A. and 1407.B.

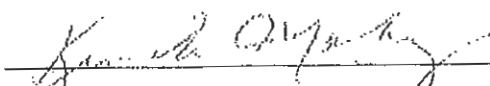
Further, the property is violation of the limits of front yard impervious and total impervious surface as set forth in Zoning Ordinance Table 4-1.

Pursuant to Rhode Island General Laws § 45-24-60 and Article 21, Section 2100.D. of the Zoning Ordinance, you are subject to a penalty of up to \$500.00 per day for each violation of the Ordinance. Each day of a violation constitutes a separate violation subject to penalty.

You have the right to appeal this Zoning Violation to the Zoning Board of Review. Pursuant to Zoning Ordinance Section 1918(D), an appeal must be filed within twenty (20) days of the date of the recording of this Notice in the land evidence records. This Notice of Violation will be recorded on the same day of issuance. The appeal period does not prevent the Office of the City Solicitor from exercising its statutory authority to seek injunctive relief.

The appeal shall be filed with the Zoning Board of Review on the form entitled "Notice of Appeal" which may be found at: <http://www.providenceri.gov/inspection/boards-of-review/>, or obtained by contacting the Zoning Board of Review Office at 401-680-5375.

You may also contact the Zoning Office if you believe this violation has already been cured, or to discuss how to cure this violation and resolve this matter without the necessity of an appeal - athompson@providenceri.gov or 401-680-5375.



 Authorized Signature - Division of Structures & Zoning

EXHIBIT B

INSPECTOR OF BUILDING'S DEPARTMENT

Date	March 18/40	Permit No.	266
Location	487 Hope Street		
Ward	2	Plat	6
Owner	Jacob Ross	Lot	415
Architect			
Builder	Owner		
Material	WOOD		
Nature of work	Erect stairs second to third floor		
Number of buildings	1		
Number of stories	2 $\frac{1}{2}$		
To be used for	Dwelling		
Number of families	2		
Fire district	2		

DEPARTMENT OF BUILDING INSPECTION

DATE December 30, 1960 PERMIT NO. 1421

LOCATION 487-489 Hope St.

WARD 2 PLAT 6 LOT 415

OWNER Louis R. Caprio

ARCHITECT

BUILDER OWNER

MATERIAL WOOD

NATURE OF WORK Remove front and side porch, stoop to remain.

NO. OF BLDGS. 1 Replace clapboards.

NO. OF STORIES 2½

TO BE USED FOR dwelling

NO. OF FAMILIES 2

FIRE DISTRICT 2

DEPARTMENT OF INSPECTION & STANDARDS

DATE 5-16-90 PERMIT NO. 1943

LOCATION 487-89 Hope St.

WARD 3 PLAT 6 LOT 415

OWNER R.I. Realty

ARCHITECT

BUILDER Owner

MATERIAL 5A

NATURE OF WORK Install new sheetrock ceiling fire

NO. OF BLDGS. rated Six (6); Also all walls on 1st

NO. OF STORIES 2½ flr., sheetrock (fire rated); Instal

TO BE USED FOR Two (2) Family

NO. OF FAMILIES

FIRE DISTRICT 2

*Third floor not to be occupied

\$1,000

Location 491-493 Stope St. R7
 Owner G. Rose Roberts
 Address Wayland Square
 No. of stories 3 Occupancy Roomers: 16 family
 No. of families Roomers 3rd Roomers 4th
 No. of occupants 6 2nd 1 3rd 5 4th
 Type of construction: brick brick veneer frame
 No. of exits from 2nd 2 3rd 4th
 Kind of exits wood stairs
 Condition of exits good
 Date of inspection July 31-1941
 Date inspector notified _____
 Date owner notified _____
 Fire Inspector W. J. Stankens Co. 19
 (Remarks over)

DEPARTMENT OF BUILDING INSPECTION

730

PERMIT NO.

Sept. 13, 1967

DATE

491-493 Hope

LOCATION

2 PLAT 6

WARD

LOT 439

FOUR Bro. Corp.

OWNER

Solar Precast Cement Co.

ARCHITECT

BUILDER

MATERIAL

NATURE OF WORK

NO. OF BLDGS.

NO. OF STORIES

TO BE USED FOR

NO. OF FAMILIES

FIRE DISTRICT

WOOD
replace wood platform & wood steps at
1/ front of dwelling with new conc. plat-
2 2/ form & steps
dwelling
2 \$300.

DEPARTMENT OF BUILDING INSPECTION

DATE Aug. 14, 1968 PERMIT NO. 598
LOCATION 491-493 Hope
WARD 3 PLAT 6 LOT 429
OWNER Fourbro Corp.
ARCHITECT " " "
BUILDER " " "
MATERIAL wood
NATURE OF WORK remove existing wood rear steps, replace
NO. OF BLDGS. 1/with new conc. steps & platform 15'0"
NO. OF STORIES 2 2/3 from lot line
TO BE USED FOR dwelling
NO. OF FAMILIES 2
FIRE DISTRICT 2 \$200



CITY OF PROVIDENCE, RHODE ISLAND

ZONING BOARD OF REVIEW

112 UNION STREET

~~Frank P. Manieri, Secretary~~

John R. Davis, Secretary

April 21, 1965

RESOLUTION NO. 2951

Eleanor Botvin Press
17 Lowden Street
Pawtucket, Rhode Island

Dear Madam:

At a meeting of the Zoning Board of Review held on Tuesday, April 20, 1965, the following resolution was adopted:

WHEREAS, Eleanor Botvin Press, owner of Lot 415 on Assessor's Plat 6 (487 Hope Street) in a Residence R-2 Zone, on February 19, 1965, filed an application for permission to be relieved from the lot area per dwelling unit in the proposed renovation of the present (3) three-family dwelling located on the above described premises into a (4) four apartment unit dwelling, (2) two apartments on the first floor and two (2) apartments on the second floor. The lot in question contains 4,542 square feet of land area, and

WHEREAS, on April 20, 1965, the members of the Zoning Board of Review made an inspection of the above described premises and also of the surrounding properties, and

WHEREAS, a public hearing was held on this application by the Zoning Board of Review at its meeting held on Tuesday, April 20, 1965, after public notice as provided by the Zoning Ordinance, and

WHEREAS, the Zoning Board of Review examined in detail all of the testimony adduced at the hearing including the application and plans and all other testimony offered by both the applicant and objectors and weighed all the testimony so offered, and

WHEREAS, in the opinion of the members of the Zoning Board of Review, the granting of this application would tend to increase the density of the area and the Board found that the property is in a (2) two-family zone not a general residence zone,

RESOLVED: That the Zoning Board of Review does hereby deny the application of Eleanor Botvin Press.

By Order of the Zoning Board of Review.

Anthony Viola

ANTHONY VIOLA
CHAIRMAN

bap
cc: Israel H. Press, Esq.



CITY OF PROVIDENCE, RHODE ISLAND

ZONING BOARD OF REVIEW

112 UNION STREET
02903

John R. Davis, Secretary

September 26, 1972

RESOLUTION NO. 3744

David P. Sugarman
Woodbine Realty Company
PO Box 2548 - East Side Station
Providence, Rhode Island

Dear Sir:

At a meeting of the Zoning Board of Review held on Tuesday, September 19, 1972, the following resolution was adopted:

WHEREAS, Woodbine Realty Co., owner of Lot 415 on Assessor's Plat 6 (487-489 Hope St.) in a Residence R-2 Zone; on August 30, 1972 filed an application for permission to be relieved from Section 42-A of the Zoning Ordinance in the proposed use of the dwelling located on the above described premises for a three (3) family dwelling. The lot in question contains approximately 6,500 sq. ft. of land area, and

WHEREAS, on Tuesday, September 19, 1972 the members of the Zoning Board of Review made an inspection of the above described premises and also of the surrounding properties and noted that the structure was on a small lot, in extremely poor condition and the surrounding neighborhood was well kept, and

WHEREAS, a public hearing was held on this application by the Zoning Board of Review at its meeting held on Tuesday, September 19, 1972 after public notice as provided by the Zoning Ordinance,

RESOLVED: That the Zoning Board of Review does hereby deny the application of Woodbine Realty Co. because the Board finds that the density of this good residential neighborhood should conform to legal zoning as closely as possible.

By Order of the Zoning Board of Review.


FRANK A. DEL SESTO
CHAIRMAN

FAD:vad
CC Armedeo Merolla
Guy J. Wells

EXHIBIT C











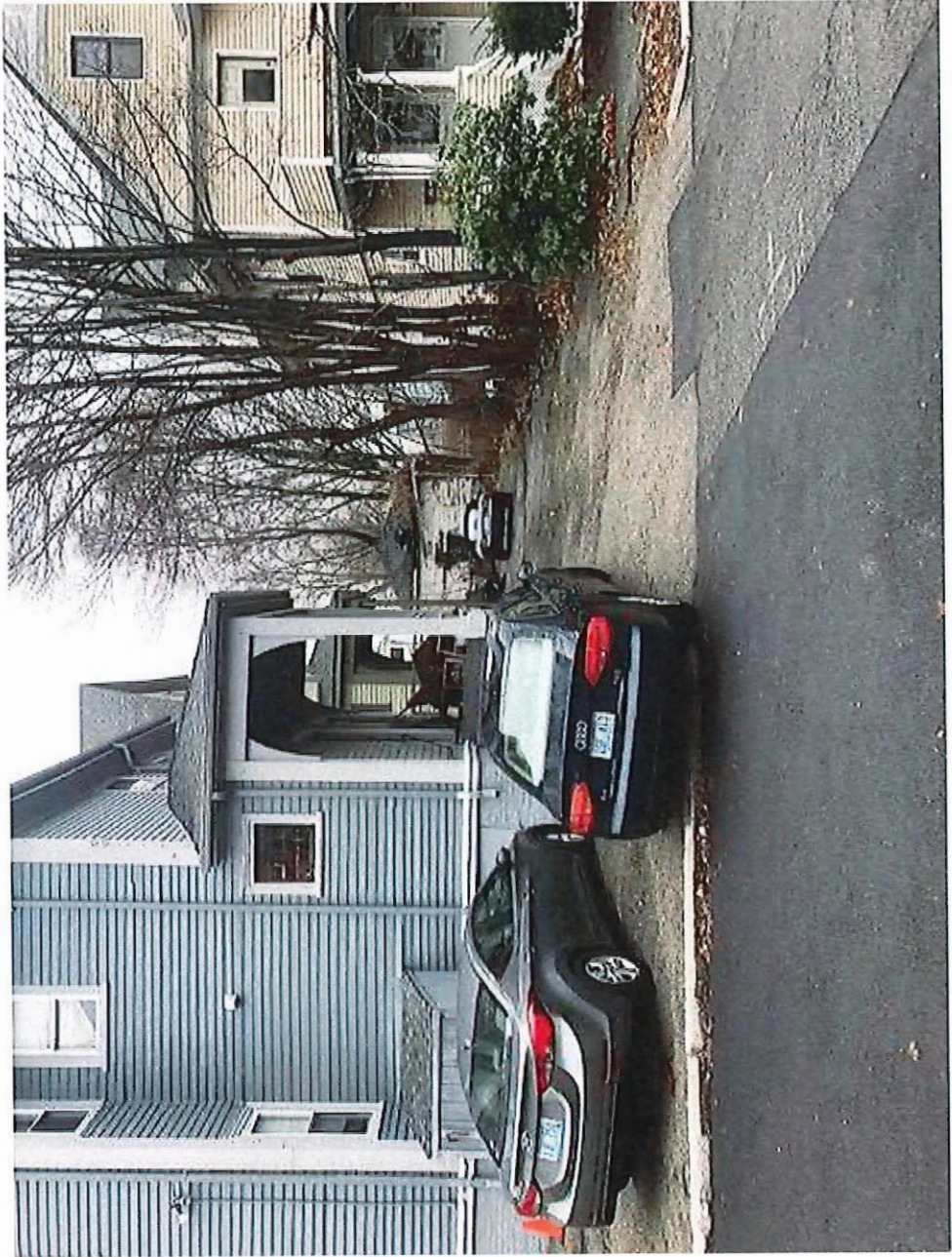


EXHIBIT D

APPROVED 9-21-51

ISSUED 6-53

ZONING ORDINANCE
OF THE
CITY OF PROVIDENCE



CHAPTER 544, approved Sept. 21, 1951
as amended by

- Chapter 567, approved December 21, 1951*
- Chapter 591, approved March 21, 1952*
- Chapter 597, approved May 2, 1952*
- Chapter 639, approved July 19, 1952*
- Chapter 662, approved September 5, 1952*
- Chapter 663, approved September 5, 1952*

ISSUED JUNE, 1953

D. EVERETT WHELAN,
City Clerk

USE INDEX — ZONING ORDINANCE

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CHAPTER 544.

An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations.

(Approved September 21, 1951.)

Be it ordained by the City of Providence:

ARTICLE I PURPOSE

The zones and regulations pertaining thereto as herein set forth are made in accordance with a comprehensive master plan for the purpose of promoting health, safety, morals, and general welfare of the community. They are designed to lessen congestion in streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They are made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

ARTICLE II GENERAL PROVISIONS

SEC. 21. DEFINITIONS

A. In this Ordinance words used in the present tense include the future, the singular includes the plural and the plural the singular, and the word "lot" includes the word "plot". The word "used" includes "designed" or "intended to be used".

Unless otherwise specified, all distances shall be measured horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

1. *Accessory Building and Use*—A subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is customarily incident to the main building or to the principal use of the land.

Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

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

3. *Apartment Hotel*—A building or portion thereof used for or containing both individual guest rooms or suites of rooms and dwelling units designed for more or less temporary occupancy. *Billboard*

4. *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.

5. *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.

6. *Board*—Shall mean the Zoning Board of Review of the City of Providence.

7. *Building*—Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. 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.

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

9. *Building, Nonconforming*—A legally existing building which fails to comply with the regulations set forth in this Ordinance applicable to the zone in which this building is located.

10. *Building, Semi-detached*—A building having one party wall common with an adjoining building.

11. *Building, Height of*—The vertical distance measured from the adjoining curb grade at a point opposite the center of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

12. *Camp Ground*—Any area or tract of land used to accommodate two or more camping parties, including cabins, tents or other camping outfits.

13. *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.

14. *Cemetery*—Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, cre-

matories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

15. *Commission*—The City Plan Commission of the City of Providence.

16. *Council*—The City Council of the City of Providence.

17. *Court*—An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings.

18. *Court, Outer*—A court which opens on any yard on the lot or which extends to any street line of the lot. The width of any outer court is its least horizontal dimensions measured between opposite walls. The length of any outer court is its greatest horizontal dimension measured at right angles to its width.

19. *Court, Inner*—Any court other than an outer court. The width of an inner court is its least horizontal dimension measured between opposite walls. The length of an inner court is its greatest horizontal dimension measured at right angles to its width.

20. *Dwelling*—A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, lodging or boarding houses or tourist homes.

21. *Dwelling, One-Family*—A building used exclusively for occupancy by one family.

22. *Dwelling, Two-Family*—A building used exclusively for occupancy by 2 families living independently of each other.

23. *Dwelling, Multiple*—A building or portion thereof used for occupancy by 3 or more families living independently of each other.

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

25. *Dwelling, Unit*—A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living, and sleeping purposes.

26. *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 college 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. This definition shall not be deemed to include trade or business school as defined in this section.

27. *Family*—One or more persons living as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

28. *Garage, Private*—A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed one vehicle for each 2500 square feet of lot area, but in no case need be less than 2 vehicles.

29. *Garage, Parking*—Any building, except those herein defined as a private garage, used for parking of self-propelled 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.

30. *Garage Repairshop*—A building or portion of a building, in which repairs, other than major structural repairs are made to vehicles and where mechanical power employed in the operation of any machine or tool does not exceed one horse power and where the total mechanical power provided or employed does not exceed 3 horse power.

31. *Grade, Curb*—The elevation of the top of the face of the curb as fixed by the City government.

32. *Home Occupation*—Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade nor commodity sold upon the premises and not more than one person nor any mechanical equipment employed. Such uses as barber shop, beauty parlor, tea room, tourist home and animal hospital shall not be deemed to be home occupations.

33. *Hospital*—"Sanitarium", "sanatorium", "preventorium", "clinic", provided such institution has the required state license and is operated by, or treatment given under direct supervision of, a physician licensed to practice by the State of Rhode Island.

34. *Hotel*—A building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals and in which provision for cooking is made preponderantly in a central kitchen and not in the individual rooms or suites.

35. *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.

36. *Lodging House*—A building with more than two but not more than ten guest rooms where lodging with or without meals is provided for compensation.

37. *Lot*—A parcel of land defined by metes, bounds or boundary lines in a recorded deed, or shown on a recorded plan or plat. In determining lot areas no part thereof within the limits of the street shall be included. Rev.

38. *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.

39. *Lot, Through*—A lot having frontage on two parallel or approximately parallel streets.

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

41. *Nonconforming Use*—A legally existing use of land or building which fails to comply with the regulations set forth in this Ordinance applicable to the zone in which such use is located.

42. *Parking Area, Public*—An open area, other than a street, used for the temporary parking of more than 4 automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

43. *Sign*—Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface; provided, however, that signs placed or erected by the City or the State for the purpose of showing street names or traffic directions or regulations or for other municipal or governmental purposes shall not be in-

cluded herein nor shall this include signs which are part of the architectural design of the building.

44. *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.

45. *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.

46. *Structure*—Anything constructed or erected, which requires location on the ground or attachment to something having a location on the ground.

47. *Tourist Home*—A building in which more than one but not more than five guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

48. *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.

49. *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.

50. *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.

51. *Yard, Rear*—A yard extending across the full width of the lot between the rearmost 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.

52. *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.

SEC. 22. BUILDINGS AND USES AFFECTED BY ZONING

Buildings housing religious bodies, churches (except rescue or temporary revival missions), convents, hospitals (except hospitals or sanitariums for contagious, mental, drug or liquor addict cases and animal hospitals), libraries, homes for the aged and museums, whenever such libraries, homes for the aged or museums are operated on a non-profit basis, are exempt from the provisions of this Ordinance; otherwise no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations of this Ordinance.

SEC. 23. CONTINUANCE OF NONCONFORMING USES OR BUILDINGS

A. Nonconforming Buildings or Structures

1. *Maintenance Permitted*—A nonconforming building or structure may be maintained, except as otherwise provided in this Section.

2. *Repairs and Alterations*—May be made to a nonconforming building or structure, provided that in a building or structure which is nonconforming as to use regulations no enlargement shall be made.

3. *Additions, Enlargements or Moving*

(a) A building or structure nonconforming as to regulations for use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such building or structure, including such addition and enlargement is made to conform to the use and area per dwelling regulations of the zone in which it is located.

(b) A building or structure nonconforming as to height or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.

(c) *A building or structure lacking sufficient automobile parking space in connection therewith as required in Sec. 24 may be altered or enlarged to create additional dwelling units in the case of dwellings, seats in the case of auditoriums, theatres, stadiums, and other similar places of assembly; floor area in the case of institutions, business, industrial or commercial buildings; guest rooms in the case of hotels and clubs; and sleeping or living units in the case of tourist homes, provided additional automobile parking space is supplied to meet the requirements of Sec. 24 except that such requirements shall apply only to such additional dwelling units, seats, floor area or guest rooms as the case may be. (Ord. 1952, Chap. 639.)*

(d) No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

4. *Signs*—Any sign which lawfully existed and was maintained at the time this Ordinance became effective, may be continued, although such use does not conform with the provisions hereof.

B. Nonconforming Use of Buildings or Structures

1. *Continuation and Change of Use*—Except as otherwise provided in this Section:

(a) The nonconforming use of a building or structure, lawfully existing at the time this Ordinance became effective, may be continued.

(b) The nonconforming use of a building or structure may be changed only to a use of the same or more restricted classification.

2. *Expansion Prohibited*—A nonconforming use of a building or structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming building or structure.

C. Nonconforming Use of Land

1. *Continuation of Use*—The nonconforming use of land (where no building is involved) lawfully existing at the time of this Ordinance became effective may be continued provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.

D. Nonconformance Due to Reclassifications

The foregoing provisions of this Section shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this Ordinance or any subsequent change in the regulations of this Ordinance.

E. Special Exceptions

The regulations of this Section pertaining to nonconforming uses and buildings shall not preclude the extension of such nonconforming uses or buildings upon the same lot occupied by such use or building at the time this Ordinance became effective, if first approved by the Board as provided for in Sections 91 and 92.

SEC. 24. GENERAL USE PROVISIONS

A. 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 other use than is permitted in the zone in which it is located.

B. Zone Group Classification

Whenever the terms R Zone, C Zone, or M Zone are used, they shall be deemed to refer to all zones containing the same letters in their names; e. g., C Zone shall include C1, C2, C3 and C4 Zones.

C. Automobile Parking Space

There shall be provided at the time of the erection of any main building or structure or at the time any building or structure is enlarged or increased in capacity, permanently maintained parking space of not less than 150 square feet net area per parking space (in determining automobile parking spaces, if not shown by actual plan and count, 300 square feet of gross area per parking space shall be equivalent to 150 square feet net area), with adequate provisions for ingress and egress by standard automobiles as follows:

1. *Parking Space for Dwellings—There shall be permanently maintained at least one parking space on the same lot with the main building or the enlargement of a main building, accessory*

to each dwelling unit in the case of a new building or to each dwelling unit added to an existing building, or in lieu thereof such parking space may be provided in a building. Parking space on lots used for residential purposes shall have a capacity not to exceed (a) one more than the number of families housed on the lot, or (b) one vehicle for each 2500 square feet of lot area, whichever is the greater.

Required parking space with a capacity for more than 4 automobiles must conform to the provisions of paragraph E of this section.

2. *Parking Space for Buildings Other Than Dwellings—For a new building or structure or for the enlargement or increase in seating capacity, floor area or guest rooms of any existing main building or structure, there shall be permanently maintained parking space as follows with reference to new buildings or structures or such enlargements of existing buildings or structures:*

(a) *For auditoriums in high schools, colleges and universities, for theatres, general auditoriums, stadiums and other similar places of assembly at least one parking space for every 10 seats provided in said buildings or structures.*

(b) *For hotels, apartment hotels and clubs, at least one parking space for every two of the first 20 individual guest rooms or suites; one additional parking space for every 6 guest rooms or suites in excess of 20, but not exceeding 50; and one additional parking space for every 8 guest rooms or suites in excess of 50 guest rooms or suites.*

(c) *For tourist courts and tourist homes, at least one parking space for each individual sleeping or living unit.*

(d) *For business or commercial buildings or structures or any other use not specifically stated in other paragraphs in this*

section having a floor area of 1500 square feet or more, at least one parking space for every 500 square feet of gross floor area in said buildings or structures, excluding automobile parking space.

(e) For industrial buildings or structures having a gross floor area of 7500 square feet or more or a lot area of 4000 square feet or more, at least one parking space for every 8 employees of said premises.

Parking space as required above shall be on the same lot with the main building or structure or use or when located on another lot no part of such parking space shall be more than 600 feet away from the nearest boundary of the lot on which the building, structure or use is located. Required Parking Space with a capacity for more than 4 automobiles must conform to the provisions of paragraph E of this section.

3. Modification of Requirements—These requirements 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 advisory only. (Ord. 1952, Chap. 639.)

D. Off-Street Loading

On the same premises with every building, structure, or part thereof, erected hereafter and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses involving the receipt or distribution by vehicles or material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall

include a 10 foot by 25 foot loading space with a 14 foot height clearance for every 20,000 square feet or fraction thereof in excess of 4,000 square feet of floor area used for above-mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 4,000 square feet of land used for the above-mentioned purposes. These requirements may, upon appeal, be increased, modified or waived by the Board where the conditions or circumstances justify such action provided it has obtained thereon recommendation from the Traffic Engineer which recommendation shall be advisory only.

E. Public Parking Area

Every parcel of land which, after the effective date of this Ordinance, is changed to a public parking area, automobile or trailer sales area, automotive service station or garage shall be developed as follows, subject to the approval of plans thereof by the Traffic Engineer:

(a) Such area, where subject to wheeled traffic, shall be paved with bituminous, concrete or equivalent surfacing and shall have appropriate bumper or wheel guards where needed.

(b) Where such area adjoins a lot in an R Zone a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than 4 feet shall be erected and maintained between such area and the property in R Zones.

(c) 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.

F. Prohibited Uses.

Within the City of Providence, no building or premises shall be used for any of the following uses:

1. Acid manufacture—hydrochloric, nitric, picric or sulphuric acid

2. Cement, lime, gypsum or plaster of paris manufacture
3. Chlorine or similar noxious gases
4. Distillation of bones
5. Drop forge industries manufacturing forgings with power hammers
6. Explosives, manufacture or storage in bulk quantities
7. Fertilizer manufacture
8. Garbage, offal or dead animal reduction or dumping
9. Glue manufacture
10. Hair manufacture
11. Petroleum refining
12. Processing of sauerkraut, vinegar or yeast
13. Rendering or refining of fats or oils
14. Smelting of tin, copper, zinc or iron ore including blast furnace or blooming mill
15. Stock yard or feeding pen
16. Slaughter of animals, not including the killing of fowl.

SEC. 25. GENERAL HEIGHT PROVISION

A. Height Conformance

Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.

SEC. 26. GENERAL AREA PROVISIONS

A. Area Requirements

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, structure or enlargement conforms with the area regulations of the zone in which it is located.

1. *Reduction of Lot Area*—No lot area shall be so reduced, diminished and maintained that the yards, other open space or total lot area shall be smaller than prescribed by this Ordinance, nor shall the number of dwelling units or occupancy thereon be increased in any manner except in conformity with the regulations herein established.

2. *Recorded Lots Less Than Minimum Area*—Lots of record at the time of the enactment of this Ordinance, which have less than the minimum area requirements for R Zones, may nevertheless be used for the following purposes and subject to the following conditions; provided that these exceptions to minimum area requirements shall not apply where the total width of adjoining lots in the same ownership at the time this Ordinance became effective, exceeds 120 feet.

(a) *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) *In R-2, R-3 and R-4 Zones respectively, for any use permitted in these zones, provided that for any building containing more than one dwelling unit the lot must have a width of at least 35 feet and an area of at least 3,200 square feet.*

(c) *Lots of record at the time this Ordinance became effective may be changed by adding additional land to such lots of record without prejudice to the right of the owner of such lots to obtain a permit pursuant to the provisions of this section. (Chap. 662, Ord. 1952.)*

3. *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 pro-

viding 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 a yard or open space on a lot whereon a building is to be erected.

4. *Only One Main Building on a Lot*—Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one main residential building and its accessory buildings on one lot. Row dwellings or a unit group of dwellings as referred to in Section 27, may be considered as one main residential building.

5. *Corner Setback*—In all zones except the C-3 Zone, in the triangle formed by the lines of streets intersecting at an angle of less than 135 degrees and a line joining points on such lines 15 feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained between heights of 3½ feet and ten feet above the plane through their curb grades.

6. *Front Yards on a Through Lot*—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; provided, however, that one of such front yards may serve as a required rear yard.

SEC. 27. SPECIAL EXCEPTIONS

The following special exceptions may be permitted in any zone where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the master plan and if their location is first approved by the Board as provided for in Sections 91 and 92.

1. *Airport or Aircraft Landing Field*
2. *Cemetery*

3. *Local Governmental Enterprise*

4. *Motor Vehicle or Rail Terminal*

5. *Public Service*—Including electric distributing substations, fire and police stations, telephone exchanges and the like.

6. *Educational Institution*—Land, buildings and structures owned or used at the time of the enactment of this Ordinance for the usual purposes and activities of educational institutions as defined in Section 21, including instructional and recreational uses, provision for exhibitions and athletic contests, and provision for living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees, together with land, buildings and structures hereafter acquired for such uses by such educational institutions having a location adjacent to land now so owned or used by such educational institutions shall be deemed to be conforming uses in the zone in which the land is located, provided that no building shall be hereafter erected for such use by any such institution within 30 feet of the boundary line of a lot owned by others in an R Zone.

Adjacent, as used in the above paragraph, shall be deemed to include any property within 300 feet of any part of any property owned or used for educational purposes by such educational institution at the time of the enactment of this Ordinance.

7. *Group Housing*

(a) *Land Deemed One Lot*—Any parcel of land including any interior streets and recreation areas which are occupied by a group of dwellings designed as a unit may be deemed to be one lot.

(b) *Application of Regulations*—Where group housing consists of two or more buildings to be constructed on a plat of ground of at least 40,000 square feet not subdivided into the

customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this Ordinance to the individual building units in such group housing, the application of such requirements to such group housing may be varied in a manner that will be in harmony with the character of the neighborhood, and that will insure a standard of open space no lower than permitted by this Ordinance and a lot area per family not more than 20% less than so required by this Ordinance in the zone in which the proposed group housing is to be located.

All special exceptions, as defined in this and following Sections, which existed at the time this Ordinance became effective, shall be regarded as conforming uses.

ARTICLE III ZONES

SEC. 31. ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, the City of Providence is hereby divided into 10 zones designated as follows:

- R-1 One-Family Zone
- R-2 Two-Family Zone
- R-3 General Residence Zone
- R-4 Multiple Dwelling Zone
- C-1 Limited Commercial Zone
- C-2 General Commercial Zone
- C-3 Downtown Commercial Zone
- C-4 Heavy Commercial Zone
- M-1 General Industrial Zone
- M-2 Heavy Industrial Zone

The above zones and the boundaries of such zones are hereby established as shown on the map entitled "Providence Zoning Map" dated April 5, 1951, which accompanies this Ordinance

and is on file in the office of the City Clerk. Said map and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

SEC. 32. ZONE BOUNDARIES

Unless otherwise indicated the zone boundary lines are the center lines of streets, parkways, waterways, or railroad rights-of-way or such lines extended. Other lines within blocks less than 200 feet wide are median lines between their sides. Other lines within blocks 200 feet or more wide, are 100 feet distant from the less restricted side of the blocks.

Where the boundary line of a zone divides a lot having frontage on a street in the less restricted zone, the provisions of this Ordinance covering the less restricted portion of such lot may extend to the entire lot, but in no case for a distance of more than 30 feet. Where the boundary line of a zone divides a lot having frontage only on a street in a more restricted zone, the provisions of this Ordinance covering the more restricted portion of such lot shall extend to the entire lot.

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

ARTICLE IV RESIDENTIAL ZONE REGULATIONS

SEC. 41. R-1 ONE-FAMILY ZONE

The following regulations and the regulations contained in Article II shall apply in the R-1 One-Family Zone:

A. Permitted Uses

1. *One-Family Detached Dwelling.*

2. *Park, Playground or Community Center*—Owned and operated by a government agency or by a charitable or non-profit agency provided that the same shall not be used for private profit.

3. *Crop or Tree Farming*—And 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.

4. *Public Parking Area*—When located and developed as required in Section 24 and where the area adjoins a commercial or industrial zone, as an accessory use to a commercial or industrial building, provided such transitional use does not extend more than 100 feet from the boundary of the less restricted zone, or where such parking space is accessory to an auditorium, church, educational institution, stadium or other place of assembly.

5. *The following Special Exceptions*—If their location is first approved by the Board as provided for in Sections 91 and 92.

(a) Alteration of a building existing in an R-1 Zone at the time this Ordinance became effective, to accommodate a total number of families not to exceed one family for each 5000 square feet of the area of the lot, providing that the building shall not be increased in height or area.

(b) Club or lodge (non-profit).

(c) Golf course (except driving tees or ranges and similar uses operated for commercial purposes), tennis courts and similar recreational uses, all of a non-commercial nature.

(d) Removal for sale of sod, loam, sand, gravel or quarried stone, provided that when such removal is incidental to and in connection with the construction of a building on the premises

for which a building permit has been issued, no permit from the Board shall be required.

(e) Modification in an R-Zone of the lot area requirements of this Ordinance as the Board may deem necessary to secure an appropriate residential development of a lot between 2 lots where there are residential buildings that do not conform to the use provisions and regulations of this Ordinance.

6. *Uses Customarily Incident*—To any of the above uses including home occupation, or in a dwelling or apartment occupied as a private residence, 2 rooms may be rented or table board furnished provided that more than 50% of the habitable rooms are occupied by the family occupying the dwelling unit and provided further no more than two persons may occupy any one of said rooms, or the office of a lawyer, physician or other person authorized by law to practice a profession, provided that:

(a) Such office is situated in the same dwelling unit as the home of the occupant.

(b) The residential character of such dwelling is not changed.

(c) There shall be not more than one assistant employed.

7. *Accessory Building*—Including a private garage, accessory living quarters, guest house, or a recreation room provided that:

(a) No guest house is located on a lot having an area of less than 15,000 square feet.

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

(c) Where the rear yard abuts upon a street no accessory building shall be erected within 18 feet of such street.

8. *Name Plate or Signs*—One name plate for each dwelling unit, excluding illuminated signs of the flashing or animated type, not exceeding 1½ square feet in area, indicating the name of the occupant or any permitted occupation; unlighted signs not exceeding a total area of 12 square feet, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall be located not less than 15 feet from the front or side lot line except where affixed to the wall of the building and not extending over the sidewalk.

9. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—2 stories not to exceed 30 feet.

2. *Exceptions*—To height regulations are provided for in section 72.

C. Area

1. *Lot Area*—Every lot shall have a minimum width of 60 feet and a minimum area of 6000 square feet except that:

(a) A lot of less than 12,000 square feet and more than 9,999 square feet may be divided into lots containing not less than 5,000 square feet each and having a width of not less than 50 feet each, and one dwelling unit may be erected on each lot.

(b) If a lot contains more than 12,000 square feet and if after division into as many 6,000 square foot 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.

2. *Front Yard*—There shall be a front yard of not less than 15 per cent of the average depth of the lot, but such front yard need not exceed 20 feet.

3. *Side Yard*—Each lot, except as otherwise specified, shall have two side yards each having a width of not less than 6 feet and the aggregate width of both side yards on any lot shall be not less than 30 percent of the width of the lot.

4. *Rear Yard*—There shall be a rear yard of not less than 25 percent of the depth of the lot, but such rear yard need not exceed 25 feet.

5. *Lot Coverage*—Not more than 30 percent of the area of a lot may be covered by buildings or structures, provided that such lot coverage need not be reduced to less than 800 square feet.

6. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 42. R-2 TWO FAMILY ZONE

The following regulations and the regulations contained in Article II shall apply in the R-2 Two-Family Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-1 One-Family Zone*—Provided that all R-1 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-1 zone, Section 41.

2. *Parking Space*—On vacant lots below the minimum area for residential purposes as specified in Sec. 26, a garage may be erected only in the rear half of said lot, so as to provide storage not to exceed one car for each 1000 square feet of lot area, but in no case shall the capacity exceed 2 motor vehicles. (Chap. 639, Ord. 1952.)

3. *Row Dwellings*—Not to contain more than 4 dwelling units.

4. *Two-Family Dwelling*

5. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—2 stories not to exceed 30 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Lot Area Per Dwelling Unit*—The minimum lot area per dwelling unit shall be 2500 square feet.

2. *Lot Area*—Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.

3. *Front Yard*—Same as in R-1 Zone, Section 41.

4. *Side Yards*—Same as in R-1 Zone, Section 41.

5. *Rear Yard*—Same as in R-1 Zone, Section 41.

6. *Lot Coverage*—Not more than 40 percent of the area of a lot may be covered by buildings or structures provided that such lot coverage need not be reduced to less than 800 square feet.

7. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 43. R-3 GENERAL RESIDENCE ZONE

The following regulations and the regulations contained in Article II shall apply in the R-3 General Residence Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-2 Two-Family Zone*—Provided that all R-2 uses shall be subject to the same limitations

and controls as to use as specifically set forth in the R-2 Zone, Section 42A.

2. *Multiple Dwelling*

3. *The Following Special Exceptions*—If their location is first approved by the Board as provided for in Sections 91 and 92.

(a) Lodging House or Tourist Home

(b) Hotel with not more than 15 guest rooms

(c) Doctor's or District Nursing Office. . . *provided that at least 2 parking spaces are provided for each doctor's office and that the spaces are located and developed as required in Sec. 24. (Chap. 639, Ord. 1952.)*

(d) Fraternity or Sorority House—Owned by students or alumni.

4. *Name Plate or Signs*—One identification sign not exceeding 12 square feet in area for multiple dwellings, provided that such sign shall be located not less than 15 feet from the front or side lot line except where it is affixed to the wall of the building and does not extend over the sidewalk.

5. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—2 stories not to exceed 40 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Lot Area per Dwelling Unit*—The minimum lot area per dwelling unit shall be 2000 square feet.

2. *Lot Area*—Every lot shall have a minimum width of 50 feet and a minimum area of 5000 square feet.

3. *Front Yard*—Same as required in R-1 Zone, Section 41.
4. *Side Yards*—Same as required in R-1 Zone, Section 41.
5. *Rear Yard*—Same as required in R-1 Zone, Section 41.
6. *Lot Coverage*—Same as required in R-2 Zone, Section 42.
7. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 44. R-4 MULTIPLE DWELLING ZONE

The following regulations and the regulations contained in Article II shall apply in the R-4 Multiple Dwelling Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-3 General Residence Zone*—Provided that all R-3 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-3 Zone, Section 43A.

2. *Apartment Hotel or Hotel*—In which incidental business may be conducted only as a service for persons living therein, provided there is no entrance to such place of business except from the inside of the building.

3. *Fraternity or Sorority House*—Owned by students or alumni.

4. *Lodging House or Tourist Home*

5. *Nursing or Rest Home*

6. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—6 stories not to exceed 75 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Lot Area per Dwelling Unit*—The minimum lot area per dwelling unit shall be 1200 square feet.

2. *Lot Area*—Same as in R-3 Zone, Section 43.

3. *Front Yard*—There shall be a front yard of not less than 4 percent of the depth of the lot for each story or 12 feet in height, but such front yard need not exceed 30 feet.

4. *Side Yards*—Same as in R-1 Zone, except that for buildings more than 2 stories or 30 feet in height each side yard shall be increased one foot in width for each additional 3 feet in height.

5. *Rear Yard*—There shall be a rear yard of not less than 25 percent of the depth of the lot, but such rear yard need not exceed 35 feet.

6. Courts

(a) An inner court shall not have any horizontal dimension, measured at right angles to any wall in which are located windows, except windows which open from a public hallway, which is less than the height of the building above the floor level of the story containing such window. No other dimension of such court shall be less than $\frac{1}{2}$ the height of the building above the floor level of the lowest story served by the court. The length of any inner court shall not exceed twice its width.

(b) Each outer court on which windows open, except windows which open from a public hallway, shall have a width equal to not less than the height of the building above the floor level of the story containing such window, but no court shall have a width of less than 20 feet; and each court shall have a depth of not more than $1\frac{1}{2}$ times the actual width; provided, however, that any such court with a depth of not more than 6 feet need not have a width exceeding 20 feet.

7. *Lot Coverage*—Not more than 40 percent of the area of an interior lot and not more than 45 percent of the area of a corner lot may be covered by buildings or structures, provided that such lot coverage need not be reduced to less than 800 square feet.

8. *Exceptions*—To yard regulations are provided for in Section 73.

ARTICLE V COMMERCIAL ZONE REGULATIONS

SEC. 51. C-1 LIMITED COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-1 Limited Commercial Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-3 General Residence Zone*—Provided that all R-3 uses shall be subject to the same limitations and controls as to use and area as specifically set forth in Sections 43A and 43C.

2. *Any Use Permitted in the R-4 Multiple Dwelling Zone*—Provided that all R-4 uses shall be subject to the same limitations and controls as to use and area as specifically set forth in Sections 44A and 44C, and provided they are conducted more than 100 feet from a lot in an R-1 or R-2 Zone.

3. *The Following Uses*—Provided they are conducted wholly within a building, except for off-street loading of delivery vehicles and automobile parking which are incidental thereto as required in Section 24:

- (a) Bakery
- (b) Barber shop or beauty parlor
- (c) Book or stationery store
- (d) Clothes cleaning agency or pressing establishment

- (e) Club, lodge (non-profit) or fraternal association
- (f) Confectionery store
- (g) Custom dressmaking or millinery shop
- (h) Drug store
- (i) Dry goods or notion store
- (j) Florist or gift shop
- (k) Grocery, fruit, or vegetable store
- (l) Hardware or electric appliance store
- (m) Jewelry store
- (n) Laundry agency
- (o) Meat market or delicatessen
- (p) Music store or newsstand
- (q) Office, business or professional
- (r) Package liquor store
- (s) Photographer
- (t) Restaurant, tea room or cafe (excluding dancing or entertainment)
- (u) Shoe store or shoe repair shop
- (v) Tailor, clothing or wearing apparel store
- (w) Variety store
- (x) Local governmental enterprises

The above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively.

All products shall be sold at retail on the premises and not more than four persons shall be engaged exclusively in the process of production.

4. *The Following Special Exception*—If its location is first approved by the Board as provided for in Sections 91 and 92.

(a) Retail ice storage house of not more than 5 tons capacity.

5. *Sign*—Any exterior sign displayed shall pertain only to a use conducted within the building, and shall not extend above the roof level except in case of one-story buildings.

(a) Wall signs shall not extend or project beyond any street line more than 12 inches or exceed four (4) square feet in area for every foot occupied by the front of the building displaying such sign.

(b) Projecting signs not exceeding ten (10) feet in height shall not extend or project beyond the street line more than seventy-five (75%) per centum of the width of the sidewalk, provided, however, that in no case shall such sign project beyond such street line more than six (6) feet.

(c) Projecting signs more than ten (10) feet but not exceeding eighteen (18) feet in height shall not extend or project beyond the street line more than fifty (50%) per centum of the width of the sidewalk, provided, however, that in no case shall such sign project beyond such street line more than four (4) feet. The maximum height of projecting signs shall not be more than eighteen (18) feet. (Ord. 1951, Ch. 567).

6. *Uses Customarily Incident*—To any of the above uses and accessory buildings, when located on the same lot, including a garage for the exclusive use of the patrons of the above stores or businesses.

7. *Public Parking Area*—When located and developed as required in Section 24.

B. Height

1. *Maximum Height*—3 stories not to exceed 45 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Where the block frontage is located wholly in the C Zone and where the distance between the curb line of the street and the front property line is 12 feet or more in width no front yard is required. Where the block frontage is located partly in the C Zone and partly in an R Zone the front yard requirement of the R Zone shall apply in the C Zone. Where the distance between the curb line of the street and the front property line is less than 12 feet in width the ground floor set back of the commercial structure or use shall be sufficient to provide a 12 foot open space between said curb line and said commercial structure or use.

2. *Side Yards*—Where the side of a lot in the C Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than 4 feet for each story or 12 feet in height, but such side yard shall not be less than 6 feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall be not less than 3 feet in width.

3. *Rear Yard*—Where the C Zone abuts an R Zone there shall be a rear yard of not less than 20 percent of the depth of the lot, but such rear yard need not exceed 20 feet. In all other cases no rear yard shall be required, but if provided, it shall be not less than 3 feet in depth.

4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 52. C-2 GENERAL COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-2 General Commercial Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-4 Multiple Dwelling Zone*—
Provided that all R-4 uses shall be subject to the same limitations and controls as to use and area as specifically set forth in the R-4 Zone, Sections 44A and 44C.

2. *Any Use Permitted in the C-1 Limited Commercial Zone*—
Provided all C-1 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-1 Zone, Section 51A, and the following uses.

- (a) Apartment hotel or hotel
- (b) Auditorium
- (c) Bank
- (d) Bar
- (e) Bath, turkish and the like
- (f) Bird store, pet shop or taxidermist
- (g) Blueprinting or photostating
- (h) Catering establishment
- (i) Cleaning establishment using not more than two clothes cleaning units neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is non-explosive and non-inflammable
- (j) Department, furniture or radio store
- (k) Film exchange
- (l) Funeral parlor
- (m) Interior decorating store
- (n) Medical or dental clinic or laboratory
- (o) Music conservatory or music instruction
- (p) Parking garage
- (q) Pawnshop

- (r) Rescue or temporary revival mission
- (s) Retail ice station of not more than 5 tons capacity
- (t) Self-service laundry
- (u) Super market
- (v) Theatre
- (w) Trade or business school or private school operated as a commercial enterprise
- (x) Wholesale merchandise broker excluding wholesale storage

3. *The Following Uses*—Provided they are conducted wholly within a building, except for off-street loading of delivery vehicles and automobile parking which are incidental thereto as required in Section 24.

- (a) Art or antique shop
- (b) Second hand store
- (c) Upholstering shop

4. *The Following Special Exception*—If its location is first approved by the Board as provided for in Sections 91 and 92.

- (a) Hospital or sanitarium for contagious, mental, drug or liquor addict cases or animal hospital

5. *Uses Customarily Incident*—To any of the above uses and accessory buildings when located on the same lot, provided, (a) there shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises; (b) there shall be not more than five persons engaged in the manufacture, compounding, processing or treatment of products; or in catering, cleaning, laundering, plumbing, upholstering and the like; (c) such uses,

operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

B. Height

1. *Maximum Height*—Same as C-1 Zone, Section 51.
2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Same as C-1 Zone, Section 51.
2. *Side Yards*—Same as C-1 Zone, Section 51.
3. *Rear Yard*—Same as C-1 Zone, Section 51.
4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 53. C-3 DOWNTOWN COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-3 Downtown Commercial Zone.

A. Permitted Uses

1. *Any Use Permitted in the C-2 General Commercial Zone*—Provided all C-2 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-2 Zone, Section 52A.

2. *Billboards*

3. *Automobile Parking Space*—Within the C-3 Zone automobile parking space requirements shall not apply to structures which are one to 6 stories in height. Where the structures are more than 6 stories in height the automobile parking space requirements shall apply as set forth in Sec. 24 to that portion of the building or structure exceeding 6 stories in height. (Chap. 639, Ord. 1952.)

B. Height

1. *Maximum Height*—300 feet, provided that where any building or structure exceeds a height of 6 stories or 75 feet each part thereof above 6 stories or 75 feet shall be set back from the required yard lines, or lot lines where no yards are required, at least one foot for each 3 feet above 6 stories or 75 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Where the block frontage is located wholly in the C-3 Zone, no front yard is required, but where it is located partly in the C-3 Zone and partly in an R Zone, the front yard requirement of the R Zone shall apply to the entire block frontage.

2. *Side Yards*—Same as C-1 Zone, Section 51.

3. *Rear Yard*—Same as C-1 Zone, Section 51.

4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 54. C-4 HEAVY COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-4 Heavy Commercial Zone.

A. Permitted Uses

1. *Any Use Permitted in the C-2 General Commercial Zone*—Provided all C-2 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-2 Zone, Section 52A.

2. *Automobile or Trailer Sales*—Provided that any display or storage area shall be developed as required in Section 24, and that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building, where the

mechanical power employed in the operation of any machine or tool does not exceed one horsepower and where the total mechanical power provided or employed does not exceed 3 horsepower.

3. *Automobile Service Station*—With total storage capacity of petroleum products not to exceed 10,000 gallons and provided that any tire or tube repairing, battery charging, and storing of merchandise or supplies are conducted wholly within a building; provided further that any lubrication or washing not conducted within a building shall be permitted only if a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet high is erected and maintained between such uses and any adjoining R Zone and provided that the use area shall be developed as required in Section 24.

4. *Billboards*

5. *Drive-in Business*—Where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height is erected and maintained between such uses and any adjoining R Zone.

6. *Greenhouse, Nursery, Flower or Plant*—Provided all incidental equipment is kept wholly within a building.

7. *Public Service*—Including electric distributing substation, fire or police station, telephone exchange and the like.

8. *Sign Painting or Tire Shop*—Provided all activities shall be conducted wholly within a building.

9. *The Following Uses*—Provided they are conducted wholly within a building except for the off-street loading of delivery vehicles and automobile parking which are incidental thereto as required in Section 24, and provided further, that where such

uses are within 50 feet of a lot in an R Zone, the building wall facing said R Zone shall have no openings other than stationary window openings unless the same are necessary for emergency egress:

(a) Amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery and the like.

(b) The storage of self-propelled vehicles which are for remuneration or hire.

(c) Carpenter, cabinet, plumbing or sheet metal shop, garage repair shop, but excluding manufacture and provided not more than a one horsepower motor may be used with any one machine and not more than a total of 3 horsepower per shop and further provided that said shops shall be at least 200 feet from any lot in an R Zone and that such uses shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

(d) Building material sales office and accessory storage of materials with a floor area not to exceed 3000 square feet and including incidental mill work.

10. *The Following Uses*—Provided they are conducted more than 50 feet from a lot in an R Zone:

(a) Camp ground

(b) Circus or transient amusement

(c) Drive-in movie

(d) Driving tees or ranges

(e) Feed or fuel store

(f) Laundry or dry cleaning establishment

(g) Poultry or rabbit killing incidental to retail sales on the premises

(h) Stadium

11. *The Following Uses*—Provided they are conducted more than 100 feet from any lot in an R Zone.

(a) Creamery or ice cream manufacture

(b) Ice manufacture or cold storage

(c) Printing and binding establishment

B. Height

1. *Maximum Height*—Same as C-1 Zone, Section 51.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Same as C-1 Zone, Section 51.

2. *Side Yards*—Same as C-1 Zone, Section 51.

3. *Rear Yard*—Same as C-1 Zone, Section 51.

4. *Exceptions*—To area regulations are provided for in Section 73.

ARTICLE VI INDUSTRIAL ZONE REGULATIONS

SEC. 61. M-1 GENERAL INDUSTRIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the M-1 General Industrial Zone:

A. Permitted Uses

1. *Any Use Permitted in the C-4 Heavy Commercial Zone*—Provided all C-4 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-4 Zone, Section 54A, and provided further that a building containing dwelling units shall be permitted only where it is within 200 feet of an abutting R Zone.

2. *The Following Uses*—Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building, except for the off-street loading of delivery vehicles *and automobile parking* which are incidental thereto as required in Section 24:

(a) Animal hospital or kennels

(b) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders

(c) Automobile assembling, painting, upholstering, rebuilding, reconditioning, truck repairing or overhauling, tire retreading or recapping, battery manufacture

(d) Blacksmith shop, manufacture of machine tools or metal products, manufacture of machinery including agricultural, electrical machinery or equipment, office or store machines, equipment or supplies and the like, machine shop excluding punch presses over 100 tons rated capacity and drop hammers

(e) Bottling works

(f) Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors

(g) Laboratory, experimental, photo, motion picture, film or testing

(h) The manufacture, compounding, assembling or treatment of articles, or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns and paint not employing a boiling process.

(i) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumes, pharmaceuticals, soap, textiles, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils.

(j) The manufacture or maintenance of electric or neon signs, billboards, commercial advertising structures, light sheet metal products including heating or ventilating ducts or equipment, cornices, eaves and the like

(k) The manufacture of musical instruments, clocks, watches, toys, novelties and rubber or metal stamps

(l) The manufacture of pottery or figurines or other similar ceramic products, using only previously pulverized clay, or kilns fired only by electricity or gas

(m) Storage and sale of petroleum and petroleum products in quantities not exceeding 21,000 gallons

(n) Warehousing and wholesale merchandise storage.

3. *The Following Uses*—Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence, not less than 4 feet in height; except for the off-street loading of delivery vehicles *and automobile parking* which are incidental thereto as required in Section 24:

(a) Building material sales yard, including the sale of lumber, rock, sand and gravel as an incidental part of the main business, but excluding concrete mixing

(b) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors

(c) Draying, freighting or trucking yard or terminal

(d) Feed or fuel yard

(e) Public utility service yard or electrical receiving or transforming stations

(f) small boat storage and building, except shipbuilding

(g) Stone cutting

4. *The Following Uses*—Provided where they are within 150 feet of a lot in an R Zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height; except for the off-street loading of delivery vehicles *and automobile parking* which are incidental thereto as required in Section 24:

(a) Automobile or machinery wrecking

(b) Bleaching or dyeing

(c) Body or fender works

(d) Brewery or liquor distillery

(e) Brick, tile, terra cotta or cinder block manufacture

(f) Junkyard, storage, sorting, collecting or bailing of rags, paper, metal or junk

5. *Uses Customarily Incident*—To any of the above uses and accessory buildings when located on the same lot.

B. Height

1. *Maximum Height*—6 stories not to exceed 75 feet. No building or structure nor the enlargement of any building or structure shall be hereafter erected or altered to exceed the height requirements of an adjacent R Zone when such building or structure is within 150 feet of said adjacent R Zone.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Not required; except where a structure hereafter erected or extended, faces property in an R Zone the setback of the R Zone shall apply; or where the block frontage is located partly in the M-1 Zone and partly in an R Zone, the front yard requirement of the R Zone shall apply in the M-1 Zone.

2. *Side Yards*—Where the side of a lot in the M-1 Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than 4 feet for each story or 12 feet in height, but such side yard shall be not less than 6 feet in width. In all other cases, a side yard for an industrial building shall not be required, but if provided, it shall be not less than 3 feet in width.

3. *Rear Yard*—Where the rear of a lot in the M-1 Zone abuts upon a lot in an R Zone there shall be a rear yard of not less than 20 percent of the depth of the lot, but such rear yard need not exceed 20 feet. In all other cases, a rear yard for an industrial building shall not be required, but if provided, it shall be not less than 3 feet in depth.

4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 62. M-2 HEAVY INDUSTRIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the M-2 Heavy Industrial Zone.

A. Permitted Uses

1. *Any Use Permitted in the M-1 General Industrial Zone*—Provided, however, no building, structure or portion thereof

shall be hereafter erected, converted, or used for any dwelling use permitted in any R Zone except accessory buildings which are incidental to the use of the land; and the following uses:

- (a) Acetylene gas manufacture or storage
- (b) Alcohol manufacture
- (c) Ammonia or bleaching powder manufacture
- (d) Asphalt manufacture or refining
- (e) Boiler works, locomotive or railroad car manufacture
- (f) Carbon or lamp black manufacture
- (g) Central station light or power plant
- (h) Chemical manufacture except those listed in Section 24
- (i) Coal distillation including manufacture or derivation of the by-products
- (j) Coke oven
- (k) Concrete or cement products manufacture
- (l) Cotton gin or oil mill
- (m) Creosote manufacture or treatment
- (n) Fish smoking, curing or canning
- (o) Gas manufacture from coal or petroleum or the storage thereof
- (p) Incinerator, municipal
- (q) Iron or steel foundry, steel furnace or rolling mill
- (r) Meat products manufacture
- (s) Oilcloth or linoleum manufacture
- (t) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture
- (u) Paper or pulp manufacture

(v) Petroleum products manufacture or wholesale storage of petroleum or its products in quantities exceeding 21,000 gallons

(w) Planing mill

(x) Plaster manufacture

(y) Plastic manufacture

(z) Potash works

(aa) Power forge

(bb) Pyroxylin manufacture

(cc) Quarry or stone mill

(dd) Rock, sand or gravel—distribution, storage, excavating or crushing

(ee) Rubber or gutta-percha manufacture or treatment

(ff) Salt works

(gg) Shipbuilding

(hh) Sodium compounds manufacture

(ii) Stove or shoe polish manufacture

(jj) Tanning, curing or storage of raw hides

(kk) Tar distillation or tar products manufacture

(ll) Wool pulling or scouring

B. Height

1. *Maximum Height*—Same as M-1 Zone, Section 61.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Not required.

2. *Side Yards*—For an industrial building shall not be required, but if provided, shall be not less than 3 feet in width.

3. *Rear Yard*—For an industrial building shall not be required, but if provided, shall be not less than 3 feet in depth.

4. *Exceptions*—To yard regulations are provided for in Section 73.

ARTICLE VII EXCEPTIONS AND MODIFICATIONS

Sec. 71. Use

A. *Private Parking Not Required—Topography*

Where a lot abuts upon a street or place which, due to topographic conditions or excessive grades, is not accessible by automobile, and such lot is to be occupied by not more than a one-family dwelling, no private garage shall be required. (Chap. 639, Ord. 1952.)

B. Public Utilities and Public Services.

The provisions of this Ordinance shall not be construed 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 and telegraph lines, oil pipe lines, sewer mains and incidental appurtenances.

SEC. 72. HEIGHT

A. Three-Story Building in Two-Story Zones

In the zones limiting height to two stories not to exceed 30 feet, any permitted structure may be increased in height to three stories not to exceed 40 feet provided the required side yards are increased an additional foot for each 3 feet such structure exceeds 30 feet.

B. Through Lots (150 feet or less in depth)

On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.

C. Through Lots (more than 150 feet in depth)

On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than 150 feet from that street.

D. Structures Permitted Above Height Limit

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, billboards, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, gas containers or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, commercial or industrial use.

SEC. 73. AREA

A. Yard Regulations Modified

Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in Sections 91 and 92.

B. Front Yard—Between Projecting Buildings

Where a lot is situated between two lots, each of which has a main building (within 25 feet of its side lot line) which projects

beyond the established front yard line and was so maintained when this Ordinance became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall be not less than 6 feet.

C. Front Yard—Adjoining Projecting Building

Where a lot adjoins only one lot having a main building (within 25 feet of its side lot line) which projects beyond the established front yard line and has been so maintained since this Ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line, provided, however, the front yard of such lot shall be not less than 8 feet.

D. Front Yard—Sloping Lot

Where the elevation of the ground at a point 50 feet from the front line of the lot and midway between the side lines, differs 10 feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is 20 percent or more on at least $\frac{1}{4}$ of the depth of the lot, the front yard shall be at least 50 percent of that required in the zone provided the required front yard of such lot shall be not less than 8 feet. A private garage, not exceeding one story or 14 feet in height, may be located in such front yard provided every portion of the garage building is at least 8 feet from the front lot line and does not occupy more than 50 per cent of the width of the front yard.

E. Side Yard Reduced for One-Story Extension

Where a lot is 60 feet or less in width and where a one-story extension of a dwelling, not exceeding 30 feet in height, has a height not exceeding 14 feet and a depth not exceeding 30 feet, the side yard may be reduced to 4 feet and the aggregate width

of both side yards may be reduced to 20 percent of the width of the lot but shall be not less than 10 feet. Provided, however, any portion of the building exceeding 14 feet in height on the side with the one-story extension must set back not less than 12 feet from the side lot line.

F. Side Yards Waived

For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one building occupying one lot: semi-detached dwellings, row dwellings and group dwellings.

G. Front and Side Yards Waived

The front and side yards may be waived for dwellings, hotels and lodging houses erected above the ground floor of a building when said ground floor is designed and used exclusively for commercial or industrial purposes.

H. Rear Yard—Accessory Building

An accessory building, not exceeding two stories or 20 feet in height may occupy not more than 50 percent of the area of a required rear yard.

I. Through Lot—May Be Two Lots

Where a through lot has a depth of 150 feet or more, and an area of 10,000 square feet or more, said lot may be assumed to be two lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.

J. Projections Into Yards

1. *Porte Cochere*—A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one story in height and 20 feet in length, and is entirely open

on at least three sides, except for the necessary supporting columns and customary architectural features provided, however, said porte cochere does not extend to within 6 feet of a side lot line.

2. *Cornice, Sill or Chimney*—A cornice, eave, 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 3 feet.

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

4. *Open Stairway and Balcony*—An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard not more than 4 feet, and such balcony may extend into a required front yard not more than 4 feet.

5. *Open Porch*—An open, unenclosed porch, platform or landing place, which, except for the roof, does not extend above the level of the first floor of the building may extend or project into any required front yard not more than 6 feet, or into any required rear yard not more than 8 feet, and into any required side yard 6 feet, but in no case closer than 4 feet to the side lot line. (Chap. 663, Ord. 1952.)

6. *Fence or Wall*—A tight board fence or solid wall not to exceed 4 feet in height a lattice-work screen or open fence not to exceed 5 feet in height, or a hedge or thick growth of shrubs or

trees, maintained so as not to exceed 5 feet in height may be located in any required front or side yard except for corner setbacks as required in Section 26.

7. *Landscape Feature*—A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard, provided it does not violate the provisions of Section 26.

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Inspector of Buildings of the City of Providence to 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.

SEC. 81. BUILDING PERMIT

Before a permit is issued for the erection, moving, alteration, 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.

A. Site Plan

Every application for a building permit under the provisions of the Building Code of the City of Providence shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot, accurate dimension of the lot, yards and building or buildings, together with locations, size and use of any and all buildings not on the lot but within 50 feet from the boundaries thereof, unless separated therefrom by a street together with such other information as may be necessary to the enforcement of the Ordinance.

B. Interpretation of Ordinance

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The lot or yard areas required by this Ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this Ordinance became effective 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.

C. Completion of Existing Buildings

Nothing in this Ordinance shall require any change in the plans, construction or intended use of a building for which a building permit has heretofore been issued, and the construction of which shall have been diligently prosecuted within 6 months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within such 6 months, and such entire building shall be completed according to such plans as filed within 2 years from the date this Ordinance became effective. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the Inspector of Buildings.

SEC. 82. 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 use of a different classification.

(c) Occupancy and use of vacant land except for the raising of crops.

(d) Change in the use of land to a use of a different classification except for the raising of crops.

(e) Any change in use of a nonconforming use.

No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the Inspector of Buildings.

Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued within 5 days after a written request for the same has been made to the Inspector of Buildings after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the Inspector of Buildings for a period of not more than 6 months during the completion of the construction of the building or of alterations which are required under the terms of any law or Ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the City relating to the use or occupancy of the land or building, or any other matter covered by this Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Inspector of Buildings.

If the proposed use is in conformity with the provisions of this Ordinance, the certificate of occupancy therefor shall be issued within 5 days after the application for the same has been made. Each certificate of occupancy shall state that in the opinion of the Building Inspector the building or proposed use of a building or land complies with all provisions of law and of all City Ordinances.

A record of all certificates of occupancy shall be kept on file in the office of the Inspector of Buildings, and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.

SEC. 83. ENFORCEMENT

All departments, officials and public employees of the City of Providence 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.

SEC. 84. PENALTIES

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this

Ordinance shall be fined not exceeding 100 Dollars for each offense, such fine to inure to the City of Providence. Each day of the existence of any violation shall be deemed a separate offense.

The erection, construction, enlargement, 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, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation.

The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

ARTICLE IX BOARD OF REVIEW

SEC. 91. ORGANIZATION AND PROCEDURE

The Board of Review as constituted at the time of the effective date of this Ordinance, and the terms of office of the members thereof, shall be continued. In June, 1952, and in June of each year thereafter, the Mayor shall appoint, subject to the approval of the City Council, one member of the Board to succeed the member whose term then expires and said appointee shall thereafter hold office for a term of 5 years. Each member of the Board shall hold office until his successor is appointed and qualified. In case any vacancy should occur in the Board from any cause, the Mayor shall appoint, subject to the approval of the City Council, a member of the Board to fill the vacancy for the remainder of the term. The members of the Board may be

removed by the Mayor, subject to the approval of the City Council for such cause as he shall deem sufficient and shall express in the order of removal. Immediately after any selection of a member of the Board, the Mayor, with the approval of the City Council shall designate a member of the Board to be its Chairman. The secretary and clerks who held office at the time of the effective date of this Ordinance shall continue during the pleasure of the Board, and vacancies in these offices shall be filled by the Board.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Petitions for variances and for special exceptions as authorized in this Ordinance and by law may be addressed to the Board and shall, prior to public hearing be referred to the Director of the Commission for written recommendation thereon. If the Director fails to act within 25 days, he shall be deemed to approve such petitions. Prior to decision on such petitions, the Board shall hold a public hearing thereon. Seven days prior to said hearing notice shall be mailed to the petitioner and to the owners of all property deemed by the Board to be affected thereby as they appear in the current records of the City Assessor and also advertised once at least 10 days prior to the public hearing in a daily newspaper published in the City of Providence.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Inspector of Buildings or other duly authorized 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 this Ordinance or to effect any variation in the application of this Ordinance.

The Board shall cause to be made a detailed report of all its proceedings, setting forth its reasons for its decisions, the vote of each member participating therein and the absence of a member or his failure to vote. Such record, immediately following the Board's decision shall be filed in the office of the Board and of the Inspector of Buildings, and shall be open to public inspection. Notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

Any person or persons, jointly or severally aggrieved by any decision of the Board, or any officer, department, board or bureau of the municipality may present to the supreme court a petition as provided in Section 8 of Chapter 342 of the General Laws of 1938 as amended.

SEC. 92. POWERS OF THE BOARD OF REVIEW

The Board shall have the powers provided for in Section 8 of Chapter 342 of the General Laws of 1938 as amended, in the exercise of which it may, 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, determine and vary the application of this Ordinance for variances and for special exceptions as provided for herein in connection with which it may impose such conditions regarding the location, character and other features of the proposed building, structure or use as it deems to be in harmony with the general purposes and intent of this Ordinance.

The discretion of the Board shall be exercised in accord with the standards and rules of guidance expressed in Article I of this Ordinance.

In addition to the members herein provided for, the Mayor shall appoint, subject to the approval of the City Council, an auxiliary or sixth member of the Board who shall sit as an active member of the Board upon the request of the Chairman when and if a member of the Board is unable to serve at any hearing. As soon as may be after passage of this Ordinance, the Mayor shall appoint such sixth member to serve until June, 1952, and in June of 1952 and of each year thereafter, shall make said appointment for a term of one year and until a successor is appointed and qualified. Said sixth member shall be subject to removal in the same manner as is provided for the other members of the Board, and vacancies in said office shall likewise be filled in the same manner. (Ord. 1952, Ch. 591).

Section 92-A. Any variance or special exception granted by said board shall expire by limitation within six months from the date the same is granted unless the applicant shall, within said period, exercise the right granted by said decision or receive a building permit so to do. The board, may upon application therefor and for cause shown, extend the within limitations for an additional six month period; said application for an extension need not be advertised. (Ord. 1952, Ch. 597).

ARTICLE X AMENDMENTS TO ORDINANCE AND MAP

The regulations, restrictions and boundaries provided for in this Ordinance may from time to time be amended or repealed.

SEC. 101. PROCEDURE

This Ordinance may from time to time be amended or repealed as provided in Section 2 of Chapter 342 of the General Laws of 1938 as amended.

SEC. 102. FILING FEES

Any petition to the Board for an appeal, special exception or variance and any petition to the City Council to amend the zoning map, except by the Commission or the City of Providence, shall be accompanied by a filing fee of \$10 which shall be deposited with the City Collector and no part of which shall be returnable to the petitioner.

ARTICLE XI VALIDITY

SEC. 111. CONFLICT WITH OTHER ORDINANCES

Chapter 370 of the Ordinances of the City of Providence, approved June 6, 1923, as amended from time to time, is hereby repealed, but this Ordinance shall not repeal, annul or impair any existing provisions of law or Ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that wherever the terms of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lots to be left unoccupied, or impose other higher standards than are required in any other statute or local Ordinance or regulation the provisions of this Ordinance shall govern. Wherever the provisions 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 said *Chapter 370 of the Ordinances of the City of Providence, approved June 6, 1923, as amended from time to time*, had not been repealed. All violations of said Ordinance, *as heretofore amended*, shall be punishable as if said Ordinance, *as heretofore amended*, had not been repealed and said Ordinance, *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.

SEC. 112. 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.

SEC. 113. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption by the City Council and approval by the Mayor.

APPENDIX

Chapter 342 of the General Laws of 1938, Entitled "Zoning Ordinances."

It is enacted by the General Assembly as follows:

SECTION 1. For the purposes of promoting the public health, safety, morals or general welfare, the city council of any city, and the town council of any town, upon the approval of the financial town meeting of such town, and the representative council of the city of Newport, shall have power in accordance with the provisions of this chapter within the limits of such city or town 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 or town 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 chapter; 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 the public 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 town or municipality. (P. L. 1923, Chap. 430.)

SEC. 2. No such ordinance shall be enacted, amended or repealed until after a public hearing has been held upon the question of enactment, amendment or repeal of such ordinance, before the city or town council or representative council of such city, as the case may be, or a committee or commission authorized by such city or town council or representative council to investigate and make recommendations concerning such proposed ordinance, who shall give first 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 or town at least once each week for 3 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 or town 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 or town clerk of such city or town on or before the day of such hearing or within 3 days thereafter a written protest against such proposed amendment

or repeal signed and acknowledged by the owners of 20 per cent or more of the street frontage of the property proposed to be affected, or by the owners of 20 per cent or more of the street frontage directly opposite the property proposed to be affected, or by the owners of the property abutting on 20 per cent 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 or town council or representative council and the approval of the mayor of such town or 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 town or city. The word "owner" as used in this section shall not be construed to include attaching creditors or lien holders other than mortgagees. (P. L., 1931, Chap. 1762.)

SEC. 3. The city or town council or the representative council of such town or city, as the case may be, shall have power to provide a penalty for the violation of any ordinance enacted under the authority of this chapter by fine not exceeding \$100.00 for each offense and to provide that each day of the existence of any such violation shall be deemed a separate offense, such fine to inure to such town or 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 town or city instituted by its town or 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 chapter, 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 chapter;

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 chapter and to authorize some official of such town or 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 town or 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 and 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 town or city, such official shall cause the same to be brought in the name of such city or town.

Upon the entry of any case or proceeding brought under the provisions of this chapter, 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 chapter 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 chapter or any ordinance enacted under the authority of this chapter shall create or be construed to create any vested rights in any person, firm or corporation, or to be or create 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 chapter, or of any ordinance enacted under the authority of this chapter, 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 authority of this chapter shall not be construed to be in any manner an exercise of any authority given by the provisions of chapter 601, *and provided, further*, that after the passage of this chapter the exercise by the city council of any city or the town council of any town, or the representative council of the city of Newport, of any authority given by the provisions of said chapter 601 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 or the town council of any town and the representative council of the city of Newport shall provide for the selection and organization of a board of review, and in the regulations and restrictions adopted pursuant to the authority of this chapter shall 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 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 5 members, each to hold office for the term of 5 years; *provided, however*, that the original selections shall be made for terms of 1, 2, 3, 4 and 5 years respectively. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. The mayor of any city or the town council of any town shall have the right to name an auxiliary or sixth member of said board of review of said city or town, as the case may be, who shall sit as an active member when and if a member of said board is unable to serve at any hearing, upon request of the chairman of said board. All hearings of such board shall be open to the public. (Chapter 2293, P. L. 1951.)

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 chapter 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 unnecessary 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 chapter, 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 officer from whom the appeal was taken.

The concurring vote of 3 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 4 members of the board shall be required to decide in favor of the applicant or any matter within the discretion of the board upon which it is required to pass under 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 30 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 10 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 it 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. (Added by P. L., 1923, Chap. 430.)

SEC. 9. The provisions of this chapter are subject to the provisions of any special statutes respecting any particular town or city, none of which are hereby repealed, except as otherwise provided.

EXHIBIT E

ZONING ORDINANCE
OF THE
CITY OF PROVIDENCE



CHAPTER 544, approved Sept. 21, 1951

As Amended

ISSUED NOVEMBER, 1979

ROSE M. MENDONCA,
City Clerk

INDEX ZONING ORDINANCE AMENDMENTS

No.	Ch. No.	Date	Title
1	567	12/21/51	An Ordinance of Amendments, relative to advertising signs. Sec. 51 A 5.
2	591	3/21/52	An Ordinance of Amendments, appointment of 6th member. Sec. 91.
3	597	5/2/52	An Ordinance of Amendments, Sec. 92 A—6 Months Ext.
4	639	7/19/52	An Ordinance in Amendment, Establishing Off-Street Parking Requirements. Sec. 23 A and 24.
5	662	9/5/52	An Ordinance in Amendment, Permitting Sub-standard Lots to be Enlarged without Prejudicing the Right to Build Thereon. Sec. 26 A 2.
6	663	9/5/52	An Ordinance Amending Sec. J 5—Open Porch.
7	898	10/8/54	An Ordinance in Amendment, Limiting Successive Petitions. Sec. 103.
8	900	10/22/54	An Ordinance in Amendment, Sec. 21, 23, 24, 26, 27, 32, 41, 43, 51, 54, 61, 62, 73, 81—Several Changes.
9	979	9/16/55	An Ordinance Amending Section 41 C. Para. 5, (Lot Coverage Corner Lot.)
10	994	11/21/55	An Ordinance Amending Section 41, Para. 5, (Lot Coverage Corner Lot.)
11	1045	8/3/56	An Ordinance in Amendment of (Sec. 24 E—Public Parking Area.)
12	1071	11/16/56	An Ordinance Zoning the City of Providence, Authorizing the Installation of Public Telephone Booth in C & M Zones. Sec. 71 B.
13	1072	12/17/56	An Ordinance in Amendment of Section 23 A 4—Relative to Signs.

No.	Ch. No.	Date	Title
14	1111	4/19/57	An Ordinance in Amendment of Sec. 54-A-3— as amended, providing for increased storage capacity of Petroleum products in C-4 Zones.
15	1187	3/10/58	An Ordinance in Amendment of Sec. 26 A 5. (Corner Set Back Poles.)
16	1206	6/6/58	An Ordinance in Amendment, Relating to Educational Institutions, Sec. 27 6 & Sec. 22 Bldg. not affected.
17	1259	4/17/59	An Ordinance in Amendment of Sec. 43 A 3, and 51 A 3, permitting a Special Exception to Philanthropic or Charitable Institution or District Nursing Office in an R-3 Zone and Making Such a Use a Permitted One in a C-1 Zone.
18	1284	9/4/59	An Ordinance in Amendment of Secs. 23 A 3 (b) Nonconforming Bldg. and 52 A 3 (c) Upholstery Shop.
19	1285	9/4/59	An Ordinance in Amendment of Sec. 54 Relative to Petroleum Storage Capacity of Automobile Service Stations.
20	1342	8/5/60	An Ordinance Amendment adding Article VI-A, Entitled "Historic District Zoning."
21	1420	9/8/61	An Ordinance in Amendment, Relating to Educational Institutions. Sec. 21-27, Sec. 22, Sec. 27.
22	1574	10/4/63	An Ordinance in Amendment Providing for a Downtown Apartment Dwelling Zone. Article IV, Sec. 45 R-5.
23	1706	7/2/65	An Ordinance Amendment Fixing a Filing of Twenty-five (\$25.00) Dollars for petitions to Amend the Zoning Ordinance and for Abandonment of Public Highways. Sec. 102:
24	1876	9/25/67	An Ordinance Amendment Fixing filing fee of thirty-five (\$35.00) Dollars for Petitions to Amend the Zoning Ordinance. Sec. 102.

No.	Ch. No.	Date	Title
25	68.3	2/5/68	An Ordinance in Amendment of Section 43 A 3 permitting a special exception for a Branch Bank, with or without Drive-in Teller Facilities in an R-3 Zone.
26	70-10	3/11/70	An Ordinance Fixing a filing fee of fifty (\$50.00) Dollars for Petitions to Amend the Zoning Ordinance. Sec. 102. Sec. 21-14 is Amended.
27	70-12	3/23/70	An Ordinance in Amendment of Section 102 of Chapter 544. The Zoning Ordinance of the City of Providence, fixing a filing fee of twenty-five (\$25.00) dollars for any petition to the Board for an appeal, special exception or variance.
28	70-46	12/18/70	An Ordinance Amending Chapter 544, Zoning Ordinance of the City of Providence Approved September 21, 1951, Article V, Sec. 54 C-4, A-3 Entitled "Automobile Service Station," Est. the minimum requirements for increasing the gallonage in present and future automobile service stations.
29	71-45	8/11/71	An Ordinance amending Chapter 544, Zoning Ordinance of the City of Providence, approved September 21, 1951, Article II, Section 21 A-21, A-26, and A-28, Establishing New definitions for what constitutes a dwelling, dwelling unit and family.
30	72-17	3/10/72	An Ordinance Amending Chapter 21-14 of the Code of Ordinances of the City of Providence, Effective October 21, 1965, as Amended; Relative to Filing Fee for Petition to Amend the Zoning Ordinance, Including the Zoning Map. (Increase fee to \$100.00.)
31	72-22	4/10/72	An Ordinance in Amendment of Section 70-12 of the Code of Providence Amending Section 102 of Chapter 544 of 1951, as Amended, increasing the Filing Fee to Thirty-five (\$35.00) Dollars for any petition to the Zoning Board of Review for an Appeal, Special Exception or Variance.

No.	Ch. No.	Date	Title
32	77-43	11/11/77	<p>An Ordinance Amending Section C of Chapter 1342, Approved August 5, 1960, Entitled, "An Ordinance Amending Chapter 544 of the Ordinances of the City of Providence, Approved September 21, 1951, as Amended, by Adding Article VI-A, Entitled, "Historic District Zoning," Incorporating Both Sides of Power Street, between Thayer Street and Governor Street, within the Historic College Hill District Map.</p> <p style="text-align: right;">P. 56</p>

USE INDEX — ZONING ORDINANCE

All uses listed by section, subsection and paragraph as:

(section) 41, (subsection) A, (paragraph) 1

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CHAPTER 544.

An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations.

(Approved September 21, 1951.)

Be it Ordained by the City of Providence:

ARTICLE I PURPOSE

The zones and regulations pertaining thereto as herein set forth are made in accordance with a comprehensive master plan for the purpose of promoting health, safety, morals, and general welfare of the Community. They are designed to lessen congestion in streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They are made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

ARTICLE II GENERAL PROVISIONS

SEC. 21. DEFINITIONS

a. In this Ordinance words used in the present tense include the future, the singular includes the plural and the plural the singular, and the word "lot" includes the word "plot". The word "used" includes "designed" or "intended to be used". Unless otherwise specified, all distances shall be measured

horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

1. *Accessory Building and Use*—A subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is customarily incident to the main building or to the principal use of the land.

Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

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

3. *Apartment Hotel*—A building or portion thereof used for or containing both individual guest rooms or suites of rooms and dwelling units designed for more or less temporary occupancy.

4. *Billboard*—A sign advertising products not made, sold, used or served on the premises displaying such sign, or a sign having a height greater than 12 feet or a width greater than eighteen feet, including supports. (Ord. 1954, Ch. 900.)

5. *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.

6. *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.

7. *Board*—Shall mean the Zoning Board of Review of the City of Providence.

8. *Building*—Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. 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.

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

10. *Building, Nonconforming*—A legally existing building which fails to comply with the regulations set forth in this Ordinance applicable to the zone in which this building is located.

11. *Building, Semi-detached*—A building having one party wall common with an adjoining building.

12. *Building, Height of*—The vertical distance measured from the adjoining curb grade at a point opposite the center of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

13. *Camp Ground*—Any area or tract of land used to accommodate two or more camping parties, including cabins, tents or other camping outfits.

14. *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.

15. *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.

16. *Commission*—The City Plan Commission of the City of Providence.

17. *Council*—The City Council of the City of Providence.

18. *Court*—An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings.

19. *Court, Outer*—A court which opens on any yard on the lot or which extends to any street line of the lot. The width of any outer court is its least horizontal dimensions measured between opposite walls. The length of any outer court is its greatest horizontal dimension measured at right angles to its width.

20. *Court, Inner*—Any court other than an outer court. The width of an inner court is its least horizontal dimension measured between opposite walls. The length of an inner court is its greatest horizontal dimension measured at right angles to its width.

21. *Dwelling*—A building containing one or more dwelling units but not including hotels, lodging or boarding houses or tourist homes. (Ord. 1971, Chap. 71-45.)

22. *Dwelling, One-Family*—A building used exclusively for occupancy by one family.

23. *Dwelling, Two-Family*—A building used exclusively for occupancy by 2 families living independently of each other.

24. *Dwelling, Multiple*—A building or portion thereof used for occupancy by 3 or more families living independently of each other.

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

26. *Dwelling Unit*—A room or group of rooms having independent means of access located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family. (Ord. 1971, Chap. 71-45.)

27. *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 college 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; including instructional and recreational uses.

provision for exhibitions and athletic contests, and provisions for living quarters, dining rooms, restaurants, parking facilities, heating plants and other facilities incidental to the usual purposes and activities of such institutions. This definition shall not be deemed to include trade or business school as defined in this section. (Ord. 1961, Chap. 1420.)

28. *Family*—One or more persons related by blood, marriage or adoption, among whom there is a legal or equitable obligation to furnish support, with some one of their number as head who controls the affairs of the household; and in addition any necessary domestic servants thereof; or not more than three persons who need not be related, who are living together in a single dwelling unit and maintaining a common household, as distinguished from a group occupying a hotel, dormitory, club, fraternity or sorority house. A roomer, boarder or lodger shall not be considered a member of a family. (Ord. 1971, Chap. 71-45.)

29. *Garage, Private*—A detached accessory building or portion of a main building, used for the storage of self-propelled 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.

30. *Garage, Parking*—Any building, except those herein defined as a private garage, used for parking of self-propelled 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.

31. *Garage Repairshop*—A building or portion of a building, in which repairs, other than major structural repairs are made to vehicles and where mechanical power employed in

the operation of any machine or tool does not exceed one horse power and where the total mechanical power provided or employed does not exceed 3 horse power.

32. *Grade, Curb*—The elevation of the top of the face of the curb as fixed by the City government.

33. *Home Occupation*—Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no Stock-in-trade nor commodity sold upon the premises and not more than one person nor any mechanical equipment employed. Such uses as barber shop, beauty parlor, tea room, tourist home and animal hospital shall not be deemed to be home occupations.

34. *Hospital*—“Sanitarium”, sanatorium”, “preventorium”, “clinic”, provided such institution has the required state license and is operated by, or treatment given under direct supervision of, a physician licensed to practice by the State of Rhode Island.

35. *Hotel*—A building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals and in which provision for cooking is made preponderantly in a central kitchen, and not in the individual rooms or suites.

36. *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.

37. *Lodging House*—A building with more than two but not

more than ten guest rooms where lodging with or without meals is provided for compensation.

38. *Lot*—A parcel of land defined by metes, bounds or boundary lines in a recorded deed, or shown on a recorded plan or plat and fronting on a street. In determining lot areas no part thereof within the limits of the street shall be included. (Ord. 1954, Chap. 900.)

39. *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.

40. *Lot, Through*—A lot having frontage on two parallel or approximately parallel streets.

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

42. *Nonconforming Use*—A legally existing use of land or building which fails to comply with the regulations set forth in this Ordinance applicable to the zone in which such use is located.

43. *Parking Area, Public*—An open area, other than a street, used for the temporary parking of more than 4 automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

44. *Sign*—Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface; provided, however, that signs placed or erected by the City or the State for

the purpose of showing street names or traffic directions or regulations or for other municipal or governmental purposes shall not be included herein nor shall this include signs which are part of the architectural design of the building.

45. *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.

46. *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.

47. *Structure*—Anything constructed or erected, which requires location on the ground or attachment to something having a location on the ground.

48. *Tourist Home*—A building in which more than one but not more than five guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

49. *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.

50. *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.

51. *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.

52. *Yard, Rear*—A yard extending across the full width of the lot between the rearmost 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.

53. *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.

(Paragraphs numbered 21-A-4 through 21-A-52 were renumbered respectively to read 21-A-5 through 21-A-53 by Chapter 900, Ord. of 1954.)

SEC. 22. BUILDINGS AND USES NOT AFFECTED BY ZONING

Buildings housing religious bodies, churches, (except rescue or temporary revival missions), convents, hospitals (except hospitals or sanitariums for contagious, mental, drug or liquor addict cases and animal hospitals), libraries, homes for the aged, and museums, whenever such libraries, homes for the aged, or museums, are operated on a non-profit basis, are exempt from the provisions of this Ordinance.

Educational institutions, as defined in Section 21, for their usual purposes and activities, are exempt from the use provisions of this Ordinance; provided that no such use shall be permitted

which involves the erection of any new structure within thirty (30) feet of the boundary line of a lot owned by others in an R Zone.

Other than aforesaid, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations of this Ordinance. (Ord. 1958, Chap. 1206; Ord. 1961, Chap. 1420.)

SEC. 23. CONTINUANCE OF NONCONFORMING USES OR BUILDING:

A. Nonconforming Buildings or Structures

1. *Maintenance Permitted*—A nonconforming building or structure may be maintained, except as otherwise provided in this Section.

2. *Repairs and Alterations*—May be made to a nonconforming building or structure, provided that in a building or structure which is nonconforming as to use regulations no enlargement shall be made.

3. *Additions, Enlargements or Moving*

(a) A building or structure nonconforming as to regulations for use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such building or structure, including such addition and enlargement is made to conform to the use and area per dwelling regulations of the zone in which it is located.

(b) *A Building or structure nonconforming as to height or yard regulations shall not be added to or enlarged in any manner, except for roof dormers which shall not project beyond the existing building alignment, unless such addition or*

enlargement conforms to all the regulations of the zone in which it is located. (Ord. 1959, Chap. 1284.)

(c) A building or structure lacking sufficient automobile parking space in connection therewith as required in Sec. 24 may be altered or enlarged to create additional dwelling units in the case of dwellings, seats in the case of auditoriums, theatres, stadiums, and other similar places of assembly; floor area in the case of institutions, business, industrial or commercial buildings; guest rooms in the case of hotels and clubs; and sleeping or living units in the case of tourist homes, provided additional automobile parking space is supplied to meet the requirements of Sec. 24 except that such requirements shall apply only to such additional dwelling units, seats, floor area or guest rooms as the case may be. (Ord. 1952, Chap. 639.)

(d) No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

4. *Signs—Any sign which lawfully existed and was maintained at the time this Ordinance became effective, may be continued, and/or in the discretion of the Inspector of Buildings may be enlarged not more than twenty-five per cent, but not in excess of the maximum limits authorized by this Ordinance, although such use does not conform with the provisions hereof. (Ord. 1956, Chap. 1072.)*

B. Nonconforming Use Of Buildings or Structures

1. *Continuation and Change of Use—*Except as otherwise provided in this Section:

(a) The nonconforming use of a building or structure, lawfully existing at the time this Ordinance became effective, may be continued.

(b) The nonconforming use of a building or structure may be changed only to a use of the same or more restricted classification.

2. *Expansion Prohibited*—A nonconforming use of a building or structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming building or structure.

C. Nonconforming Use of Land

1. *Continuation of Use*—The nonconforming use of land (where no building is involved) lawfully existing at the time of this Ordinance became effective may be continued provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.

D. Nonconforming Due to Reclassifications

The foregoing provisions of this Section shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this Ordinance or any subsequent change in the regulations of this Ordinance.

E. Special Exceptions

The regulations of this Section pertaining to nonconforming uses and buildings shall not preclude the extension of such nonconforming uses or buildings upon the same lot occupied by such use or building at the time this Ordinance became effective, if first approved by the Board as provided for in Sections 91 and 92.

SEC. 24. GENERAL USE PROVISIONS

A. 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 other use than is permitted in the zone in which it is located.

B. Zone Group Classification

Whenever the terms R Zone, C Zone, or M Zone are used, they shall be deemed to refer to all zones containing the same letters in their names; e.g., C Zone shall include C1, C2, C3 and C4 Zones.

C. Automobile Parking Space

There shall be provided at the time of the erection of any main building or structure or at the time any building or structure is enlarged or increased in capacity, permanently maintained parking space of not less than 150 square feet net area per parking space (in determining automobile parking spaces, if not shown by actual plan and count, 300 square feet of gross area per parking space shall be equivalent to 150 square feet net area), with adequate provisions for ingress and egress by standard automobiles as follows:

~~1. Parking Space for Dwellings—There shall be permanently maintained at least one parking space on the same lot with the main building or the enlargement of a main building, accessory to each dwelling unit in the case of a new building or to each dwelling unit added to an existing building, or in lieu thereof such parking space may be provided in a building. Parking space on lots used for residential purposes shall have a capacity not to exceed (a) one more than the number of families housed on the lot, or (b) one vehicle for each 2,500 square feet of lot area, whichever is the greater.~~

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1988-3

No. 33 AN ORDINANCE IN AMENDMENT OF THE ZONING
ORDINANCE REGULATING PARKING AND PAVED AREAS FOR
DWELLINGS, AS AMENDED.

Approved January 26, 1988

Be it ordained by the City of Providence:

SECTION 1. Chapter 544 of the Ordinances of the City of Providence, entitled "An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations" approved September 21, 1951, as amended, is hereby further amended as follows:

Section 24C1 shall be deleted and replaced with the following:

24C1. There shall be permanently maintained at least one parking space on the same lot with the main building or the enlargement of a main building, accessory to each dwelling unit in the case of a new building or to each dwelling unit added to an existing building, or in lieu thereof such parking space may be provided in a building. Lots used for residential purposes shall also be subject to the following restrictions:

(a) Parking spaces shall have a capacity not to exceed one more than the number of families housed on the lot or one vehicle for each 2,500 square feet of lot area, whichever is greater.

(b) Driveways and parking areas shall be paved with bituminous materials, concrete, brick, stone or equivalent surfacing, and shall be subject to regulations of the Department of Public Works.

(c) Paving on residential lots shall be limited to the following:

1. 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, may be no more than 15' wide. A driveway used to access a two-car garage or larger located in a side yard may be no more than 25' wide. Nothing herein shall prohibit a circular driveway

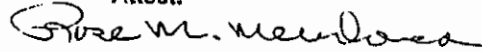
or parking area in the front yard provided there is no other driveway located in the front yard and the paved area occupies no more than 33% of the area of the front yard. Driveway curb cuts shall be subject to the regulations of the Department of Public Works and the Traffic Engineer and must be approved by the Traffic Engineer and Director of Public Works.

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

3. Parking shall be permitted in only 50% of the rear yard area.

SECTION 2. This Ordinance shall take effect upon its passage.

A true copy,
Attest:



Rose M. Mendonca,
City Clerk

~~Required parking space with a capacity for more than 4 automobiles must conform to the provisions of paragraph E of this section.~~

2. *Parking Space for Buildings Other Than Dwellings*—For a new building or structure or for the enlargement or increase in seating capacity, floor area or guest rooms of any existing main building or structure, there shall be permanently maintained parking space as follows with reference to new buildings or structures or such enlargements of existing buildings or structures:

(a) *For auditoriums in high schools, colleges and universities, for theatres, general auditoriums, stadiums and other similar places of assembly at least one parking space for every 10 seats provided in said buildings or structures.*

(b) *For hotels, apartment hotels and clubs, at least one parking space for every two of the first 20 individual guest rooms or suites; one additional parking space for every 6 guest rooms or suites in excess of 20, but not exceeding 50; and one additional parking space for every 8 guest rooms or suites in excess of 50 guest rooms or suites.*

(c) *For tourist courts and tourist homes, at least one parking space for each individual sleeping or living unit.*

(d) *For business or commercial buildings or structures or any other use not specifically stated in other paragraphs in this section having a floor area of 1,500 square feet or more, at least one parking space for every 500 square feet of gross floor area in said buildings or structures, excluding automobile parking space.*

(e) *For industrial buildings or structures having a gross floor area of 7,500 square feet or more a lot area of 4,000 square feet*

or more at least one parking space for every 8 employees of said premises.

Parking space as required above shall be on the same lot with the main building or structure or use or on adjoining premises. Required parking space with a capacity for more than four automobiles must conform to the provisions of paragraph E of this section. (Ord. 1952, Chap. 639; Ord. 1954, Chap. 900.)

(f) For doctors' or district nursing offices at least 2 parking spaces for each doctor's or nurse's office. (Ord. 1954, Chap. 900.)

3. *Modification of Requirements—These requirements 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 advisory only. (Ord. 1952, Chap. 639.)*

4. *Continuation of Facilities—The schedule of requirements for off-street parking space and 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 parking or 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 vehicle parking or loading space apart from the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking or loading space which meets with the requirements of, and is in compliance with this section. It shall be unlawful for any firm or corporation to use such building without acquiring such land or other suitable land for vehicle parking or loading space which meets with the requirements of, and is in compliance with this section. (Ord. 1954, Chap. 900.)*

D. Off-Street Loading

On the same premises with every building, structure, or part thereof, erected hereafter and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a 10 foot by 25 foot loading space with a 14 foot height clearance for every 20,000 square feet or fraction thereof in excess of 4,000 square feet of floor area used for above-mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 4,000 square feet of land used for the above-mentioned purposes. These requirements may, upon appeal, be increased, modified or waived by the Board where the conditions or circumstances justify such action provided it has obtained thereon recommendation from the Traffic Engineer which recommendations shall be advisory only.

E. Public Parking Area—Every parcel of land which, after the effective date of this Ordinance, is changed to a public parking area, (automobile or trailer sales area, automotive service station or garage) shall be developed as follows, subject to the approval of plans thereof by the Traffic Engineer:

(a) Such area, where subject to wheeled traffic, shall be paved with bituminous, concrete or equivalent surfacing and shall have appropriate bumper or wheel guards where needed.

(b) Where such area adjoins a lot in an R Zone a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than 4 feet shall be erected and maintained between such area and the property in R Zones.

(c) 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. (Ord. 1954, Chap. 900; Ord. 1956, Chap. 1045.)

F. Prohibited Uses.

Within the City of Providence, no building or premises shall be used for any of the following uses:

1. Acid manufacture — hydrochloric, nitric, piric, or sulphuric acid.
2. Cement, lime, gypsum or plaster of paris manufacture.
3. Chlorine or similar noxious gases.
4. Distillation of bones.
5. Drop forge industries manufacturing forgings with power hammers.
6. Explosives, manufacture or storage in bulk quantities.
7. Fertilizer manufacture.
8. Garbage, offal or dead animal reduction or dumping.
9. Glue manufacture.
10. Hair Manufacture.
11. Petroleum refining.
12. Processing of sauerkraut, vinegar or yeast.
13. Rendering or refining of fats or oils.
14. Smelting of tin, copper, zinc or iron ore including blast furnace or blooming mill.
15. Stock yard or feeding pen.
16. Slaughter of animals, not including the killing of fowl.

SEC. 25. GENERAL HEIGHT PROVISION

A. Height Conformance

Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.

SEC. 26. GENERAL AREA PROVISION

A. Area Requirements

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, structure or enlargement conforms with the area regulations of the zone in which it is located.

1. *Reduction of Lot Area*—No lot area shall be so reduced, diminished and maintained that the yards, other open space or total lot area shall be smaller than prescribed by this Ordinance, nor shall the number of dwelling units or occupancy thereon be increased in any manner except in conformity with the regulations herein established.

2. *Recorded Lots Less than Minimum Area*—Lots of record at the time of the enactment of this Ordinance, which have less than the minimum area requirement for R Zones, may nevertheless be used for the following purposes and subject to the following conditions:

~~(a) 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.~~

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1988-10

No. 129 **AN ORDINANCE** IN AMENDMENT OF CHAPTER 544 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED "AN ORDINANCE ZONING THE CITY OF PROVIDENCE AND ESTABLISHING USE, HEIGHT AND AREA REGULATIONS" APPROVED SEPTEMBER 21, 1951, AS AMENDED, BY DELETING THE R-2 AND R-3 ZONE PROVISIONS FOR 2 DWELLING UNITS ON UNDERSIZED LOTS, AS AMENDED.

Approved March 23, 1988

Be it ordained by the City of Providence:

SECTION 1. Chapter 544 of the Ordinances of the City of Providence, entitled, "An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations" approved September 21, 1951, as amended, is hereby further amended as follows:

Section 26A2 (a), (b) and (c) shall be deleted and replaced with the following:

26A2 Recorded Lots Less Than Minimum Area.

Lots of record at the time of the enactment of this Ordinance, which have less than the minimum area requirements for R Zones, may nevertheless be used for the following purposes, subject to the following conditions:

(a) A single family dwelling may be erected on any lot separately owned at the time of the passage of this Ordinance and shown on any plat duly recorded at the time of the passage of this Ordinance.

(b) In any R3 Zone, a building on such a lot may contain two (2) dwelling units, provided that the lot shall have a width of at least 40 feet and an area of at least 4,000 square feet.

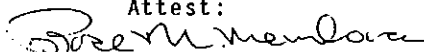
(c) The Zoning Board of Review may grant a special exception as Provided for in Sections 91 and 92 and permit any lot in an R3 Zone to contain two (2) dwelling units, provided that the lot shall have a width of at least 35 feet and an area of at least 3,200 feet, and further provided that the board finds that such a use is in conformity with the surrounding neighborhood and not contrary to the public convenience and welfare.

(d) In any R4 Zone, a building on such a lot may contain two (2) dwelling units, provided that the lot shall have a width of at least 35 feet and an area of at least 3,200 square feet, and may contain additional dwelling units if the lot area per dwelling unit requirements are met.

(e) Lots of record at the time this Ordinance becomes effective may be changed by adding additional land to such lots of record without prejudice to the right of the owner of such lots to obtain a permit pursuant to the provisions of this section.

SECTION 2. This Ordinance shall take effect upon its Passage.

A true copy,
Attest:



Rose M. Mendonca, City Clerk

~~(b) In any R-2 or R-3 Zone, a building on such a lot may contain 2 dwelling units, provided that the lot shall have a width of at least 35 feet and an area of at least 3,200 square feet.~~

~~(c) Lots of record at the time this Ordinance became effective may be changed by adding additional land to such lots of record without prejudice to the right of the owner of such lots to obtain a permit pursuant to the provisions of this section. (Ord. 1952, Chap. 662; Ord. 1954, Chap. 900.)~~

3. *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.

4. *Only One Main Building on a Lot*—Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one main residential building and its accessory buildings on one lot. Row dwellings or a unit group of dwellings as referred to in Section 27, may be considered as one main residential building.

5. *Corner Setback*—In all zones except the C-3 Zone, in the triangle formed by the lines of streets 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 and no vegetation may be maintained between heights of three and one-half (3½) 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. (Ord. 1958, Chap. 1187)

6. *Front Yards on a Through Lot*—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; provided, however, that one of such front yards may serve as a required rear yard.

SEC. 27. SPECIAL EXCEPTIONS

The following special exceptions may be permitted in any zone where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the master plan and if their location is first approved by the Board as provided for in Sections 91 and 92.

1. *Airport or Aircraft Landing Field*

2. *Cemetery*

3. *Local Governmental Enterprise*

4. *Motor Vehicle or Rail Terminal*

5. *Public Service*—Including electric distributing substations, fire and police stations, telephone exchanges and the like.

6. *Educational institution as to all matters other than the use provisions of this Ordinance; provided, however, that such exception shall not permit the erection of any building within thirty (30) feet of the boundary line of a lot owned by others in an R Zone. (Ord. 1958, Chap. 1206; Ord. 1961, Chap. 1420)*

7. *Group Housing*

(a) *Land Deemed One Lot*—Any parcel of land including

any interior streets and recreation areas which are occupied by a group of dwellings designed as a unit may be deemed to be one lot.

(b) Application of Regulations—Where group housing consists of two or more buildings to be constructed on a plat of ground of at least 40,000 square feet not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this Ordinance to the individual building units in such group housing, the application of such requirements to such group housing may be varied in a manner that will be in harmony with the character of the neighborhood, and that will insure a standard of open space no lower than permitted by this Ordinance and a lot area per family not more than 20% less than so required by this Ordinance in the zone in which the proposed group housing is to be located.

All special exceptions, as defined in this and following Sections, which existed at the time this Ordinance became effective, shall be regarded as conforming uses.

ARTICLE III ZONES

SEC. 31. ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, the City of Providence is hereby divided into 10 zones designated as follows:

- R-1 One-Family Zone
- R-2 Two-Family Zone
- R-3 General Residence Zone
- R-4 Multiple Dwelling Zone
- C-1 Limited Commercial Zone
- C-2 General Commercial Zone

- C-3 Downtown Commercial Zone
- C-4 Heavy Commercial Zone
- M-1 General Industrial Zone
- M-2 Heavy Industrial Zone

The above zones and the boundaries of such zones are hereby established as shown on the map entitled "Providence Zoning Map" dated April 5, 1951, which accompanies this Ordinance and is on file in the office of the City Clerk. Said map and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

SEC. 32. ZONE BOUNDARIES

Unless otherwise indicated the zone boundary lines are the center lines of streets, parkways, waterways, or railroad rights-of-way or such lines extended. Other lines within blocks less than 200 feet wide are median lines between their sides. Other lines within blocks 200 feet or more wide, are 100 feet distant from the less restricted side of the blocks.

Where the boundary line of a zone divides a lot so that at least 50 percent of its frontage is on a street in the less restricted zone the provisions of this Ordinance covering the less restricted portion of such lot may extend to the entire lot, but in no case for a distance of more than 30 feet. Where the boundary line of a zone divides a lot having frontage only on a street in a more restricted zone, the provisions of this Ordinance covering the more restricted portion of such lot shall extend to the entire lot.

Where the street layout actually on the ground varies from the layout as shown on the zoning map, the Inspector of Buildings shall interpret said map according to the reasonable intent of this Ordinance. (Ord. 1954, Chap. 900.)

ARTICLE IV RESIDENTIAL ZONE REGULATIONS

SEC. 41. ONE-FAMILY ZONE

The following regulations and the regulations contained in Article II shall apply in the R-1 One-Family Zone:

A. Permitted Uses

1. *One-Family Detached Dwelling.*

2. *Park, Playground or Community Center*—Owned and operated by a government agency or by a charitable or non-profit agency provided that the same shall not be used for private profit.

3. *Crop or Tree Farming*—And 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.

4. *Public Parking Area*—When located and developed as required in Section 24 and where the area adjoins a commercial or industrial zone, as an accessory use to a commercial or industrial building, provided such transitional use does not extend more than 100 feet from the boundary of the less restricted zone, or where such parking space is accessory to an auditorium, church, educational institution, stadium or other place of assembly.

5. *The following Special Exceptions*—If their location is first approved by the Board as provided for in Sections 91 and 92.

(a) Alteration of a building existing in an R-1 Zone at the time this Ordinance became effective, to accommodate a total number of families not to exceed one family for each 5000 square feet of the area of the lot, providing that the building shall not be increased in height or area.

(b) Club or lodge (non-profit).

(c) Golf course (except driving tees or ranges and similar uses operated for commercial purposes), tennis courts and similar recreational uses, all of a non-commercial nature.

(d) Removal for sale of sod, loam, sand, gravel or quarried stone, provided that when such removal is incidental to and in connection with the construction of a building on the premises for which a building permit has been issued, no permit from the Board shall be required.

(e) Modification in an R-Zone of the lot area requirements of this Ordinance as the Board may deem necessary to secure an appropriate residential development of a lot between 2 lots where there are residential buildings that do not conform to the use provisions and regulations of this Ordinance.

6. *Uses Customarily Incident*—To any of the above uses including home occupation, or in a dwelling or apartment occupied as a private residence, 2 rooms may be rented or table board furnished provided that more than 50% of the habitable rooms are occupied by the family occupying the dwelling unit and provided further no more than two persons may occupy any one of said rooms, or the office of a lawyer, physician or other person authorized by law to practice a profession, provided that:

(a) Such office is situated in the dwelling unit as the home of the occupant.

(b) The residential character of such dwelling is not changed.

(c) There shall be not more than one assistant employed.

7. *Accessory Building*—Including a private garage, accessory living quarters, guest house, or a recreation room provided that:

(a) No guest house is located on a lot having an area of less than 15,000 square feet.

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

(c) Where the rear yard abuts upon a street no accessory building shall be erected within 18 feet of such street.

8. *Name Plate or Signs*—One name plate for each dwelling unit, excluding illuminated signs of the flashing or animated type, not exceeding 1 1/2 square feet in area, indicating the name of the occupant or any permitted occupation; unlighted signs not exceeding a total area of 12 square feet, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall be located not less than 15 feet from the front or side lot line except where affixed to the wall of the building and not extending over the sidewalk.

9. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—2 stories not to exceed 30 feet.

2. *Exceptions*—To height regulations are provided for in section 72.

C. Area

1. *Lot Area*—Every lot shall have a minimum width of 60 feet and a minimum area of 6,000 square feet except that:

(a) A lot of less than 12,000 square feet and more than 9,999 square feet may be divided into lots containing not less than 5,000 square feet each and having a width of not less than 50 feet each, and one dwelling unit may be erected on each lot.

(b) If a lot contains more than 12,000 square feet and if after division into as many 6,000 square foot 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.

2. *Front Yard*—There shall be a front yard of not less than 15 per cent of the average depth of the lot, but such front yard need not exceed 20 feet.

3. *Side Yard*—Each lot, except as otherwise specified, shall have two side yards, each having a width of not less than 6 feet and the aggregate width of both side yards on any lot shall be not less than 30 per cent of the width of the lot, provided, however, that in the case of a lot not more than 45 feet in width, the width of one side yard may be reduced to not less than 4 feet. (Ord. 1954, Chap. 900.)

4. *Rear Yard*—There shall be a rear yard of not less than 25 per cent of the depth of the lot, but such rear yard need not exceed 25 feet. A rear yard may be reduced to not less than 20 per cent of the depth of the lot, provided that the front yard is extended so that the combined total of the front and rear yards is not less than 40 per cent of the depth of the lot. (Ord. 1954, Chap. 900.)

5. *Lot Coverage*—No buildings or structures shall occupy more than 35% of the area of an interior lot, nor more than 40% of the area of a corner lot.

For the purposes of this paragraph 'corner lot' is defined as a lot at the junction of, and fronting on, two or more intersecting streets 20 ft. or more in width. (Ord. 1954, Chap. 900; Ord. 1955, Chap. 994.)

6. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 42. R-2 TWO FAMILY ZONE

The following regulations and the regulations contained in Article II shall apply in the R-2 Two Family Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-1 One Family Zone*—Provided that all R-1 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-1 zone, Section 41.

2. *Parking Space*—*On vacant lots below the minimum area for residential purposes as specified in Sec. 26, a garage may be erected only in the rear half of said lot, so as to provide storage not to exceed one car for each 1,000 square feet of lot area, but in no case shall the capacity exceed 2 motor vehicles. (Chap. 639, Ord. 1952.)*

3. *Row Dwellings*—Not to contain more than 4 dwelling units.

4. *Two-Family Dwelling*

5. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—2 stories not to exceed 30 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Lot Area Per Dwelling Unit*—The minimum lot area per dwelling unit shall be 2500 square feet.

2. *Lot Area*—Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.

3. *Front Yard*—Same as in R-1 Zone, Section 41.

4. *Side Yards*—Same as in R-1 Zone, Section 41.

5. *Rear Yard*—Same as in R-1 Zone, Section 41.

6. *Lot Coverage*—Not more than 40 percent of the area of a lot may be covered by buildings or structures provided that such lot coverage need not be reduced to less than 800 square feet.

7. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 43. R-3 GENERAL RESIDENCE ZONE

The following regulations and the regulations contained in Article II shall apply in the R-3 General Residence Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-2 Two Family Zone*—Provided that all R-2 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-2 Zone, Section 42A.

2. *Multiple Dwelling*

3. *The Following Special Exceptions*—If their location is first approved by the Board as provided for in Sections 91 and 92.

(a) Lodging House or Tourist Home

(b) Hotel with not more than 15 guest rooms

(c) *Doctor's or District Nursing Office. (Ord. 1952, Chap. 639; Ord. 1954, Chap. 900.)*

(d) Fraternity or Sorority House—Owned by students or alumni.

(e) *Offstreet parking lots may be established for the parking of non-commercial vehicles in such areas where the Board finds that there is a need for such additional facilities. Such exceptions may be for a period not to exceed five years, subject to renewal in the discretion of the Board. Such lots shall be developed and maintained as required by Section 24-E and subject to such further conditions as may be imposed by the Board.*

Vehicles on such lots may not be parked within 6 feet of adjacent lots, and no vehicles may be parked nor a fence erected in that portion of the parking lot usually required as a front yard in the zone in which such lot is located. (Ord. 1956, Chap. 1045.)

(f) *Philanthropic or Charitable Institutions. (Ord. 1959, Chap. 1259.)*

(g) *Branch Bank, with or without drive-in teller facilities. (Ord. 1968, Chap. 68-3.)*

4. *Name Plate or Signs*—One identification sign not exceeding 12 square feet in area for multiple dwellings, provided that such sign shall be located not less than 15 feet from the front or side lot line except where it is affixed to the wall of the building and does not extend over the sidewalk.

5. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—2 stories not to exceed 40 feet.
2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Lot Area per Dwelling Unit*—The minimum lot area per dwelling unit shall be 2,000 square feet.
2. *Lot Area*—Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
3. *Front Yard*—Same as required in R-1 Zone, Section 41.
4. *Side Yards*—Same as required in R-1 Zone, Section 41.
5. *Rear Yard*—Same as required in R-1 Zone, Section 41.
6. *Lot Coverage*—Same as required in R-2 Zone, Section 42.
7. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 44. R-4 MULTIPLE DWELLING ZONE

The following regulations and the regulations contained in Article II shall apply in the R-4 Multiple Dwelling Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-3 General Residence Zone*—Provided that all R-3 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-3 Zone, Section 43A.
2. *Apartment Hotel or Hotel*—In which incidental business may be conducted only as a service for persons living therein.

provided there is no entrance to such place of business except from the inside of the building.

3. *Fraternity or Sorority House*—Owned by students or alumni.

4. *Lodging House or Tourist Home*

5. *Nursing or Rest Home*

6. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—6 stories not to exceed 75 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Lot Area per Dwelling Unit*—The minimum lot area per dwelling unit shall be 1,200 square feet.

2. *Lot Area*—Same as in R-3 Zone, Section 43.

3. *Front Yard*—There shall be a front yard of not less than 4 percent of the depth of the lot for each story or 12 feet in height, but such front yard need not exceed 30 feet.

4. *Side Yards*—Same as in R-1 Zone, except that for buildings more than 2 stories or 30 feet in height each side yard shall be increased one foot in width for each additional 3 feet in height.

5. *Rear Yard*—There shall be a rear yard of not less than 25 percent of the depth of the lot, but such rear yard need not exceed 35 feet.

6. Courts

(a) An inner court shall not have any horizontal dimension, measured at right angles to any wall in which are located windows, except windows which open from a public hallway, which is less than the height of the building above the floor level of the story containing such window. No other dimension of such court shall be less than 1/2 the height of the building above the floor level of the lowest story served by the court. The length of any inner court shall not exceed twice its width.

(b) Each outer court on which windows open, except windows which open from a public hallway, shall have a width equal to not less than the height of the building above the floor level of the story containing such window, but no court shall have a width of less than 20 feet; and each court shall have a depth of not more than 1 1/2 times the actual width; provided however, that any such court with a depth of not more than 6 feet need not have a width exceeding 20 feet.

7. *Lot Coverage*—Not more than 40 percent of the area of an interior lot and not more than 45 percent of the area of a corner lot may be covered by buildings or structures, provided that such lot coverage need not be reduced to less than 800 square feet.

8. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 45. R-5 DOWNTOWN APARTMENT DWELLING ZONE

The following regulations and the regulations contained in Article II shall apply in the R-5 Downtown Apartment Dwelling Zone:

A. *Permitted Uses.*

1. *Any use permitted in the R-4 Multiple Dwelling Zone—*

Provided that all R-4 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-4 Zone, Section 44A.

2. Row Dwellings

3. Buildings housing religious bodies, churches (except rescue or temporary revival missions), convents, hospitals (except hospitals or sanitariums for contagious, mental, drug or liquor addict cases and animal hospitals), libraries, homes for the aged, auditoriums and museums, whenever such libraries, homes for the aged, auditoriums or museums are operated on a non-profit basis.

4. Institution and Professional Offices.

5. The following businesses primarily serving the retail and service needs of local residents of the immediate neighborhood, provided that all such activities be conducted on the ground floor only:

*Art Shop
Baked Goods (no baking on premises)
Barber Shop
Beauty Shop
Book and Stationery Store
Branch Banks
Camera Store
Card Shop
Confectionery
Custom Dress Making
Dairy Products
Delicatessen
Drug Store
Film Exchange
Florist*

Fruits and Vegetables
Gift Shop
Groceries and Meats
Haberdashery
Hardware
Interior Decorators
Jewelry Store
*Laundry and Dry Cleaning Agency (no pressing or
cleaning on premises)*
Newspaper Sales
Notions Store
Offices, Business, Professional and Institutional
Package Store
Paint and Wallpaper
Photographer
Religious Articles (retail only)
Restaurant
Shoe Store
Super Market
Tobacco Shop
Wearing Apparel Store

6. *Sign—identifying only the establishment and nature of its product, shall be of non-flashing type, shall be affixed to the face of the building and shall project not more than 12". One such sign not exceeding 3 square feet in area for every foot of that part of the building displaying such sign shall be allowed for each establishment occupying the building.*

B. Height

1. Maximum Height—Not to exceed 150 feet.

C. Area

1. *Lot Area per Dwelling Unit*—The minimum lot area per dwelling unit shall be 400 square feet.

2. *Floor Area Ratio*—Not to exceed 5.0. Floor Area Ratio shall be computed as the ratio of the gross floor area of the structure to the area of the lot gross floor area shall include basement and cellar areas except those areas devoted exclusively to heating and air conditioning equipment. Floor area in the main building or structure or in accessory buildings intended and designed for the parking of motor vehicles shall not be included in gross floor area.

3. *Front Yard*—Where the block frontage is 12 feet or more in distance from the curb line no front yard is required. Where the block frontage is less than 12 feet in distance from the curb line the setback of the structure or use shall be sufficient to provide a 12-foot open space between the curb line and the structure or use. Where no curb line exists, as in the instance of a pedestrian walkway, no front yard is required.

4. *Side Yard*—Each lot, except as otherwise specified shall have 2 side yards each having a width of not less than 6 feet; provided that for buildings more than 2 stories or 30 feet in height each side yard shall be increased one foot in width for each additional 3 feet in height, but such side yard need not exceed 20 feet; and provided further that when a side yard abuts a street or walkway such side yard may conform to the requirements for a front yard.

Dwellings with party walls, such as semi-detached dwellings, row dwellings and group dwellings shall be considered as occupying one lot.

5. *Rear Yard*—Each lot shall have a rear yard of not less than 20 feet providing that where a rear yard abuts upon a street

or walkway such rear yard may conform to the requirements for a front yard.

6. *Lot Coverage*—Shall be determined by the Floor Area Ratio.

7. *Off-Street Parking*—Shall meet the requirements of Sections 24 C and E, except that for apartment buildings of 5 or more stories in height 7 parking spaces shall be provided for each 10 dwelling units or fraction thereof; and provided further that for auditoriums and other places of assembly 1 parking space for each 10 seats and for auditoriums and other places of assembly not having fixed seats one parking space for each 120 square feet of gross floor area shall be provided.

Mixed Uses—If a lot by reason of a diversity of occupancies is subject to more than one use the number of car spaces required by each use for the occupancies subject to it shall be determined, and off-street parking facilities with total number of car spaces shall be provided.

Parking space as required shall be on the same lot with the main building or structure or on adjoining premises or may be on premises within 400 feet of the main building or structure if such premises are permanently in the same-ownership.

8. *Off-Street Loading*—Notwithstanding the provisions of Section 24D there shall be provided and maintained on the same lot with any building or structure requiring receipt or distribution by vehicles of materials or merchandise, or with any office or institutional building or structure, adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street. Such space, unless otherwise adequately provided for shall include a 12-foot by 35-foot loading space with a 14-foot height clearance for every 50,000 square feet of floor area or fraction thereof in excess of

4,000 square feet with access provided not less than 50 feet from any intersection. The dimensions of off-street loading berths shall not include driveways or entrances to or exits from such off-street loading berths and shall not be counted as off-street parking space. (Ord. 1963, Chap. 1574.)

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHARTER
No.
ORDINANCES

CHAPTER 1986-43

No. 384 AN ORDINANCE Amending Chapter 544 of the Ordinances of the City of Providence, Entitled "An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations" as Amended, by Adding Article IV-A, Entitled "Institutional Zone Regulations", as Amended

Approved July 10, 1986

Be it ordained by the City of Providence:

Section 1 Chapter 544 of the Ordinance of the City of Providence, entitled "An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations" approved September 21, 1951, as amended, is hereby further amended as follows:

I. Article IV-A is hereby established following Article IV, Residential Zone Regulations, as follows: Article IV-A Institutional Zone Regulations

Section 1 - Institutional Zones

The following regulations and the regulations contained in Article II General Provisions shall apply in the I-1 and I-2 Institutional Zones.

A. Permitted Uses

1. In any I-1 or I-2 Zone:

The existing residential zone designation shall not change as a result of the adoption of the Ordinance. Only those residential uses previously permitted shall be allowed provided that said residential uses shall be subject to the same limitations and controls as to use, height and area specifically set forth in the respective residential zoning category.

2. In any I-1 Zone, Health Care Facilities including the following:

- (a) Hospital: Any hospital other than an animal hospital;
- (b) Clinic for medical, dental, surgical or psychiatric treatment of disease and disability, whether on an in-patient or out-patient basis;
- (c) Centers for occupational and physical therapy, physical fitness, and drug and alcohol rehabilitation facilities (provided such drug or alcohol rehabilitation facilities are owned by or operated in conjunction with a hospital);
- (d) Medical diagnostic or treatment facilities;
- (e) Medical or dental research, medical or dental laboratory and educational facilities;
- (f) Medical or dental office building occupied by physicians, surgeons, dentists or other medical, paramedical and paradental personnel;
- (g) Day care, extended care, convalescent or congregate housing, rest home or nursing home facilities;
- (h) Health Maintenance Organizations;
- (i) Any use accessory to any of the foregoing as defined in this Ordinance.

3. In any I-2 Zone, Educational Institutions as defined in Section 21.

B. Height

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

(a) Building height shall be limited to thirty (30) feet whenever an institutional building is located on a front lot line and the property on the opposite side of the street is in an R-Zone and shall increase by one foot for every one foot setback up to a maximum height of seventy-five (75) feet.

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

(c) In all other cases building height shall not exceed seventy-five (75) feet.

2. Exceptions to height regulations are provided for in Sections 72B, 72C, and 72D.

C. Areas

1. Front Yard: Where the block frontage is located partly in an I-Zone and partly in an R-Zone, or where the property on the opposite side of the

street from the proposed building is in an R-Zone the front yard requirements of the R-Zone shall apply in the I-Zone. In all other cases, an institutional building must be set back sufficiently to provide a twelve (12) foot open space between the curb and said institutional structure or use.

2. Side and Rear Yards: 30 feet for any yard which abuts a lot line of a lot in an R Zone.
3. Off-Street Loading: In place of the provisions of Section 24D, the following provisions shall prevail:
There shall be provided and maintained for any institutional building or structure erected subsequent to the adoption of this Ordinance requiring routine receipt or distribution of materials by commercial vehicles in the ordinary course of business, adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street. Such space shall be located within the Institutional Zone for the institution. Such space, except to the extent provided for within a building, shall include a 10 foot by 25 foot loading space with a 14 foot height clearance for the first 50,000 square feet of floor area or a fraction thereof in excess of 25,000 square feet and one additional space for every additional 100,000 square feet of floor area or fraction thereof in excess of 50,000 square feet with access provided not less than 50 feet from any intersection. The dimensions of off-street loading

berths shall not include driveways or entrances to or exits from such off-street loading berths and shall not be counted as off-street parking space.

4. Screening: Outdoor parking and loading areas shall be screened from the view of all adjoining residential uses by the method as stated in Section 24E of this Ordinance, or landscaped earthen berms.

5. Landscaping:

(a) Outdoor parking and loading areas shall be landscaped as follows:

(1) Street Frontage: Five (5) foot landscaping strip with one shade tree for every forty (40) feet of frontage.

(2) Perimeters: Five (5) foot landscaping strip with one shade tree for every fifty (50) feet of perimeter. Compact evergreen screening shall be considered as meeting the landscaping strip requirements.

(3) Interior: Landscaping areas totalling two (2) percent of the lot area must be provided or one interior shade tree for every 200 square feet of required landscaping area. Parking areas with a capacity of twenty (20) cars or less and loading areas are exempt from interior landscaping requirements.

(b) Unbuilt and unpaved areas shall be landscaped as follows:

- (1) All sites shall be properly graded and drained.
- (2) All unbuilt areas of the site shall be provided, where needed, with suitable, properly designed and constructed walks and access drives.
- (3) All unbuilt and unpaved areas of the site shall be suitably planted and permanently maintained with grass, shrubs and trees.

6. Exceptions to yard regulations are provided in Sections 73A, 73B, 73C, 73I, and 73J2, 73J3, 73J4, 73J6.

II. Section 22 of Article II entitled "Buildings and Uses Not Affected by Zoning" of the Zoning Ordinance of the City of Providence, Chapter 544, approved September 21, 1951, as amended, is hereby deleted and replaced with the following:

Buildings housing religious bodies, churches, (except rescue or temporary revival missions), convents, libraries and museums, whenever such libraries or museums are operated on a nonprofit basis, are exempt from the provisions of this Ordinance.

Other than aforesaid, no building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations of this Ordinance.

III. Add at the end of subparagraph (b) of sub-section 1 of Section 23B entitled "Non-Conforming Use of Buildings or Structures" the following:

Provided, however, that the non-conforming use of a building or structure which would be a permitted use in an I-1 Zone may be changed only to a use permitted in that zone or to a use permitted in the zone in which it is located; and provided further that a non-conforming use of a building or structure which would be a permitted use in an I-2 Zone may be changed only to a use permitted in that zone or to a use permitted in the zone in which it is located.

IV. Add the following paragraph following paragraph (f) of sub-section 2 of Section 24C of Article II entitled "Automobile Parking Space":

(g) Educational institutions shall provide parking spaces in accordance with the following requirements whenever any building is erected or added to subsequent to the adoption of this Ordinance:

- One parking space per 3 employees and staff (calculated according to the largest number in attendance for any work shift during an average day), plus
- One parking space per 8 noncommuting students who are over the driving age, plus
- One parking space 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
- One parking space per 4 students in high school and other secondary educational institutions over the driving age.

- One parking space for every ten (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.
- (h) Health care facilities shall provide parking spaces in accordance with the following requirements whenever any building is erected or added to subsequent to the adoption of this Ordinance:
- One parking space per four (4) patient beds, plus
 - One parking space per each staff or visiting doctor (calculated according to the largest number in attendance at any hour during an average day), plus
 - One parking space for each three (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.
- (i) Parking spaces required for an Educational Institution or Health Care Facility need not be on the same lot with the main building or structure, so long as they are within an I-Zone or any other zone permitting commercial parking. The number of insufficient parking

spaces for Educational Institutions and Health Care Facilities calculated in accordance with the requirements as stated herein at the time of the adoption of this Ordinance shall be permitted under the terms of this Ordinance but shall not be allowed to be increased.

- V. Add the following sentence following Paragraph 4. of Section 26 of Article II entitled "Only One Main Building on a Lot": Institutional buildings in the Institutional Zone shall not be restricted by this regulation.
- VI. Article II entitled "Special Exceptions" of the aforesaid Zoning Ordinance is hereby amended by adding the following new Section 28:

Section 28 - Special Exceptions for Institutional Uses
Institutions as outlined in Subparagraph A(2) and A(3) of Article IV-A shall be permitted within any R-Zone with the approval of the Board as provided for in Sections 91 and 92 whenever the Board finds such uses essential and desirable to the public convenience and welfare and finds such uses in conformance with the objectives of the Providence Comprehensive Plan; and the Board, in addition, shall find out the following criteria have been met:

- (a) The proposed institutional use must meet the criteria of Section 1B and 1C of Article IV-A.
- (b) The proposed institutional use cannot be reasonably located on any existing property of the institution within a zone in which the use is permitted.

(c) That parking is provided for the proposed institutional use in accordance the parking requirements outlined in Section 24 of this Ordinance for institutional uses.

(d) The proposed use is in conformmance with the Institution's Master Plan on file with the City Clerk's Office of the City of Providence.

VII. Section 31 of Article III entitled "Establishment of Zones" is hereby amended to read as follows:

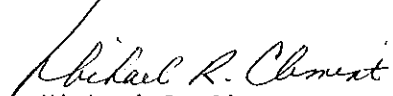
For the purpose of this Ordinance, the City of Providence is hereby divided into thirteen (13) zone designations as follows:

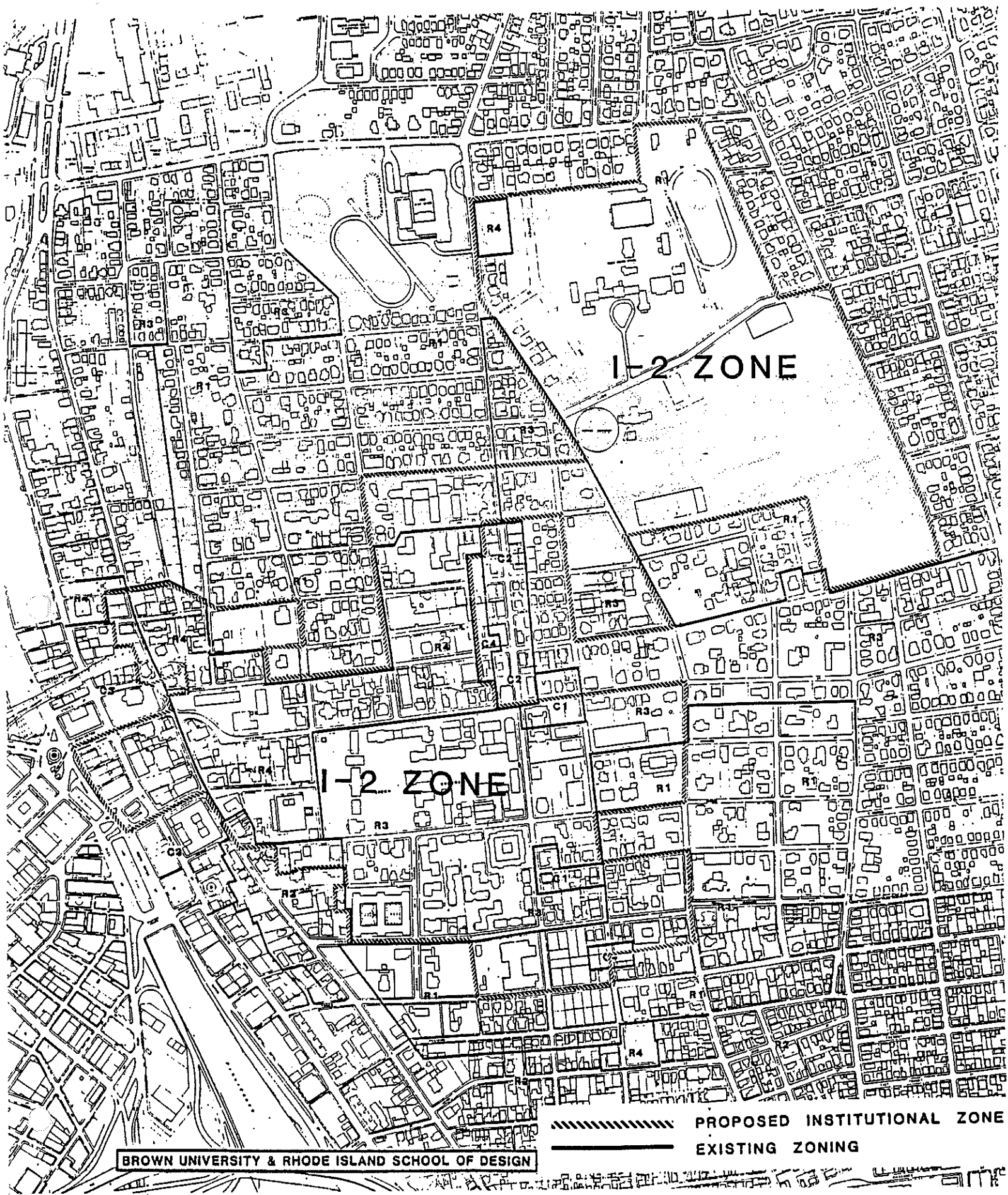
- R-1 One Family Zone
- R-2 Two Family Zone
- R-3 General Residence Zone
- R-4 Multiple Dwelling Zone
- R-5 Downtown Apartment Dwelling Zone
- I-1 Health Care Facilities Zone
- I-2 Educational Institutions Zone
- C-1 Limited Commercial Zone
- C-2 General Commercial Zone
- C-3 Downtown Commercial Zone
- C-4 Heavy Commercial Zone
- M-1 General Industrial Zone
- M-2 Heavy Industrial Zone

The above zones and the boundaries of such zones are hereby established as shown on the maps entitled "Providence Zoning Map" dated April 5, 1951, as amended to date, which accompanies this Ordinance and is on file in the office of the City Clerk. Said map and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

- Section 2 There is hereby created Institutional I-1 and I-2 Zones, the zoning boundaries of which are shown on the attached maps which are incorporated and made part of this Ordinance.
- Section 3 Any use permitted in the I-1 and I-2 Zones pursuant to Article IV-A Section 1A2 and 1A3 shall be a permitted use in a R-5, C-1, C-2, C-3, C-4, M-1 and M-2 Zone.
- Section 4 This Ordinance shall take effect upon its passage by the City Council and its approval by the Mayor.

A true copy,
Attest:


Michael R. Clement
First Deputy City Clerk

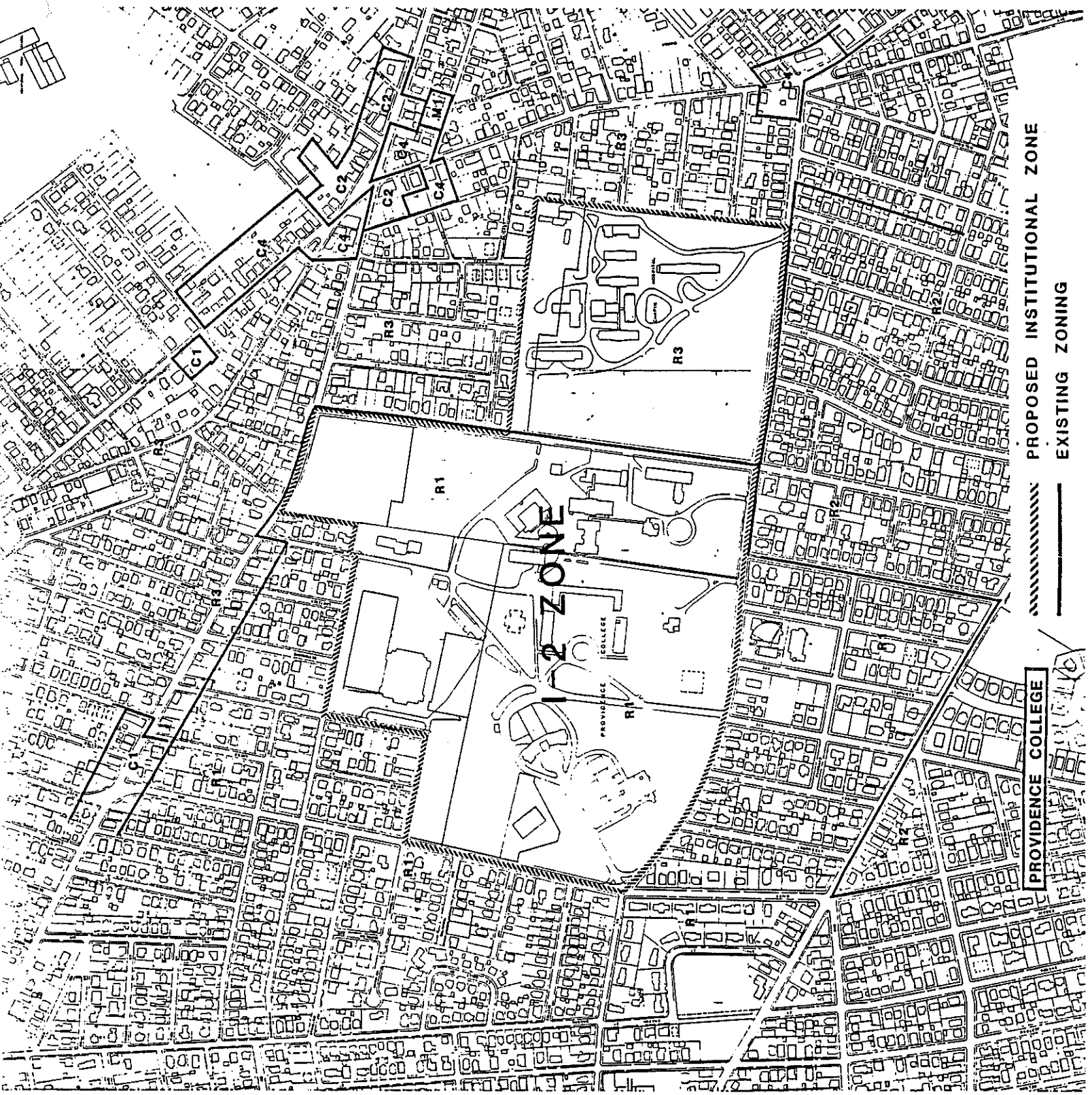


I-2 ZONE

I-2 ZONE

BROWN UNIVERSITY & RHODE ISLAND SCHOOL OF DESIGN

PROPOSED INSTITUTIONAL ZONE
EXISTING ZONING



R2 ZONE

PROVIDENCE COLLEGE

R1

R3

C1

C2

C3

C4

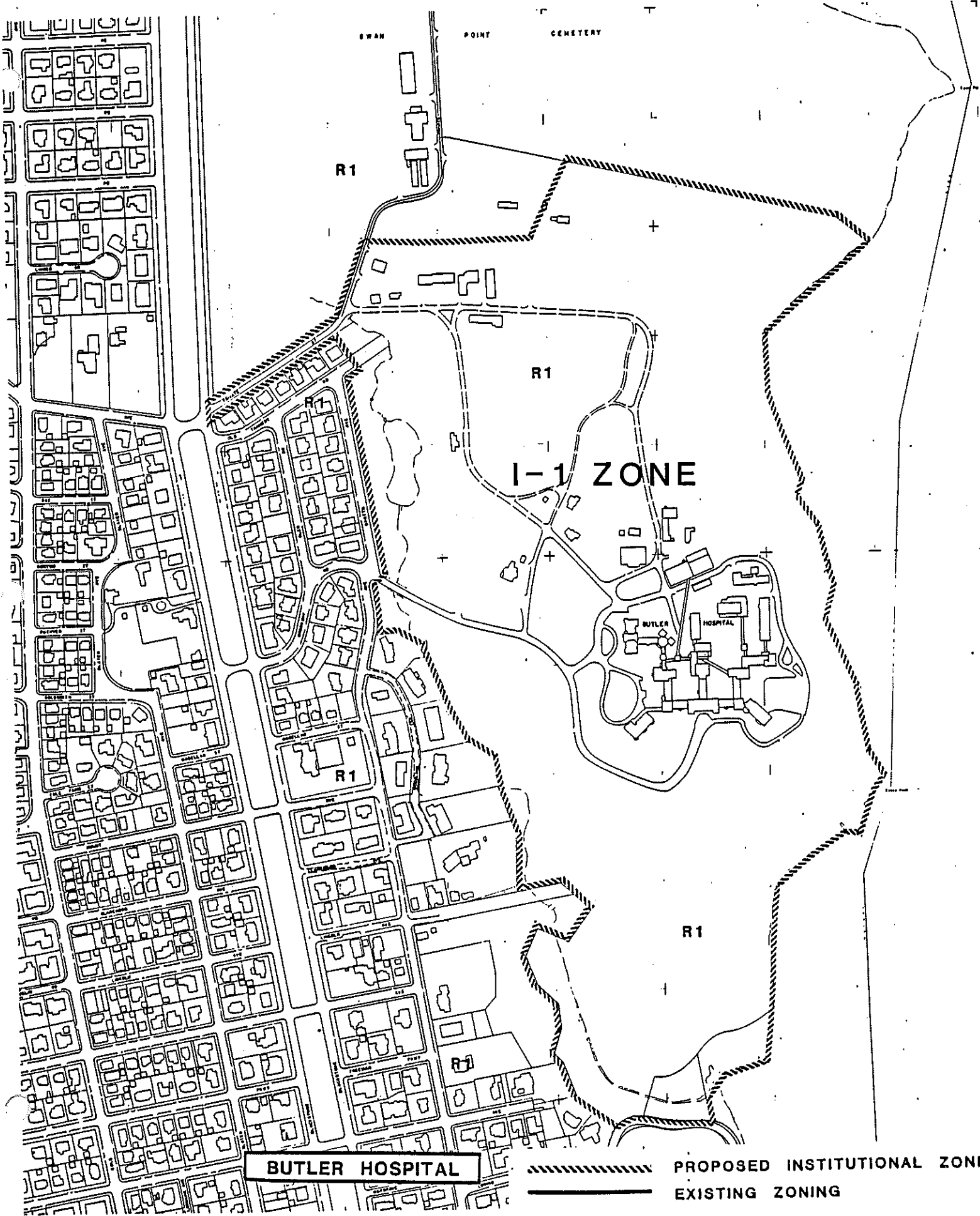
R3

R4

PROPOSED INSTITUTIONAL ZONE

EXISTING ZONING

PROVIDENCE COLLEGE



SWAN POINT CEMETERY

R1

R1

I-1 ZONE

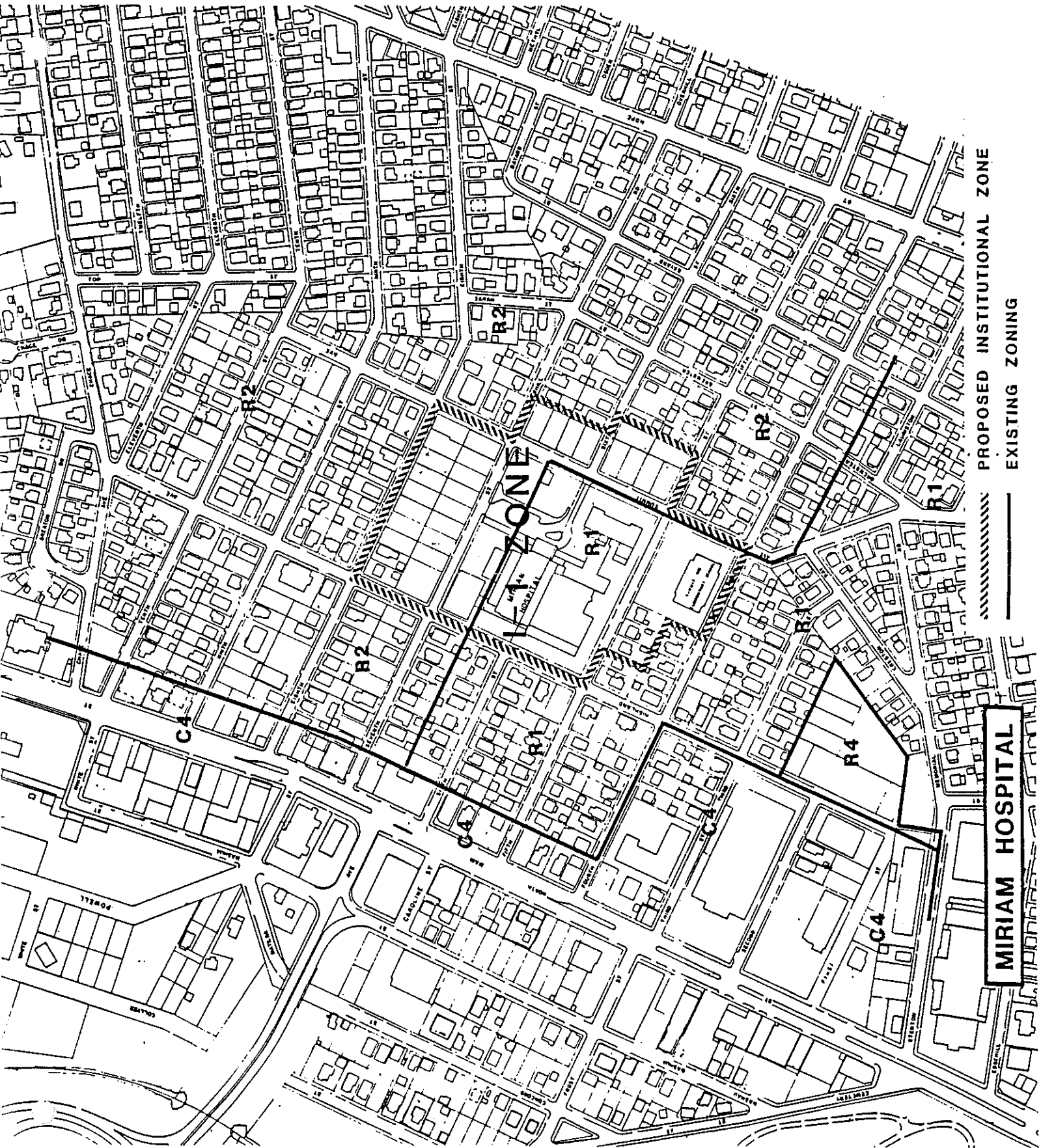
R1

R1

BUTLER HOSPITAL



PROPOSED INSTITUTIONAL ZONE
EXISTING ZONING



PROPOSED INSTITUTIONAL ZONE
EXISTING ZONING

MIRIAM HOSPITAL

I-1 ZONE

R2

R2

R1

B2

R1

R1

R1

R4

C4

C4

C4

C4

POWELL

COLLIER

CLARKE ST

W 11th

W 10th

W 9th

W 8th

W 7th

W 6th

W 5th

W 4th

W 3rd

W 2nd

W 1st

W 1st

W 1st

W 1st

W 1st

W 1st

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W 1st

W 4th

W 3rd

W 2nd

W 1st

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W 1st

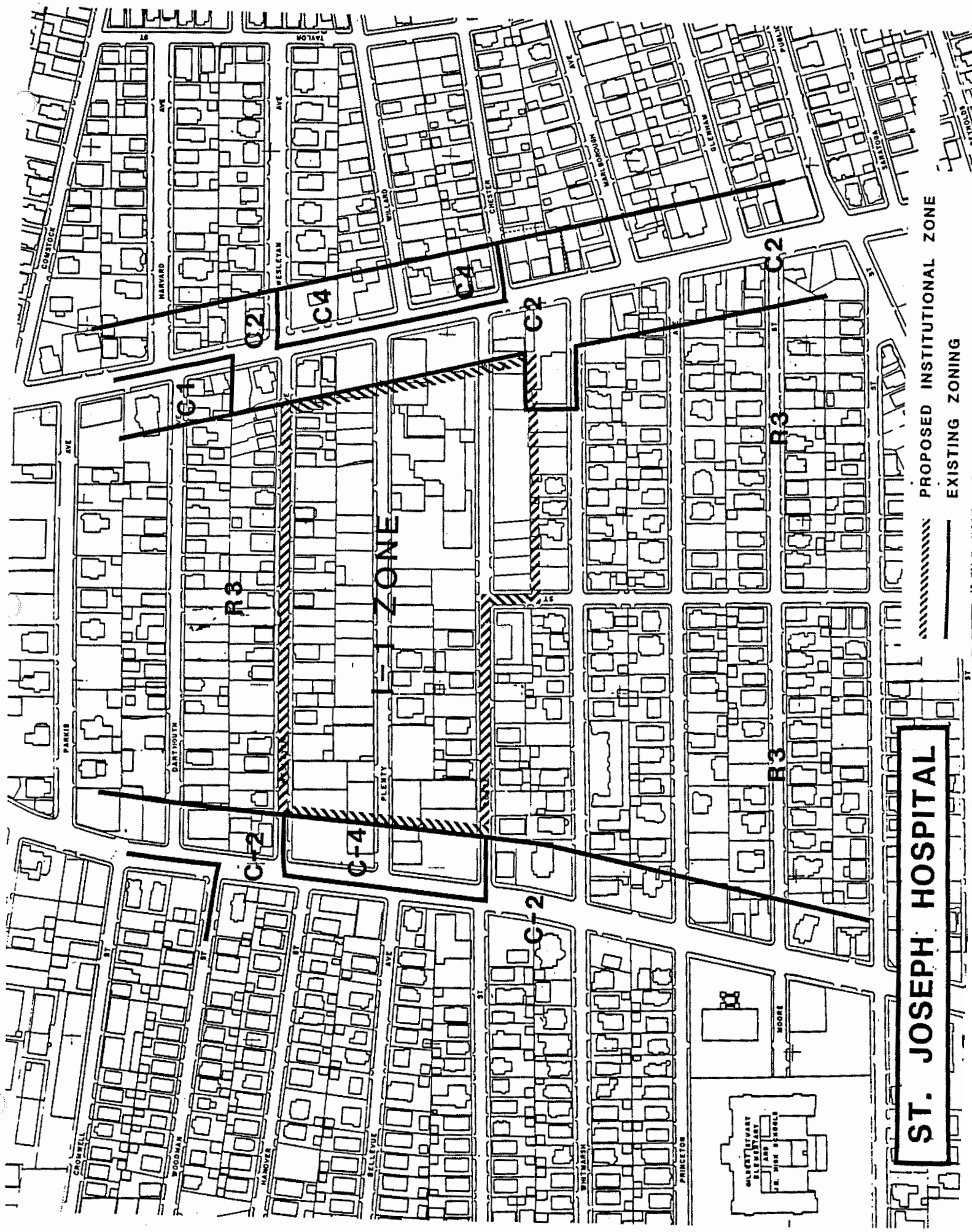
W 1st

W 1st

W 1st

W 1st

W 1st



 PROPOSED INSTITUTIONAL ZONE
 EXISTING ZONING

ST. JOSEPH HOSPITAL

WALTERS
 ELEMENTARY
 AND
 J.C. MOH SCHOOL

PRINCETON

MOORE

WINTHROP

BELLEVUE

HANOVER

WOODMAN

CROWELL

DARTMOUTH

PARK

INSTITUTIONAL ZONE

R-3

C-2

C-2

C-4

C-2

R-3

C-1

C-2

C-3

C-4

C-2

C-4

16

BOTWIN

WALDEN

PARK

BELMONT

CONSTOCK

HARVARD

BESSELYAN

WILLARD

CHESTER

WALDEN

LENIHAN

BELMONT

AVE

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PROPOSED INSTITUTIONAL ZONE

EXISTING ZONING

RHODE ISLAND HOSPITAL



PROPOSED INSTITUTIONAL ZONE
EXISTING ZONING

ROGER WILLIAMS HOSPITAL

ARTICLE V COMMERCIAL ZONE REGULATIONS

SEC. 51. C-1 LIMITED COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-1 Limited Commercial Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-3 General Residence Zone*— Provided that all R-3 uses shall be subject to the same limitations and controls as to use and area as specifically set forth in Sections 43A and 43C.

2. *Any Use Permitted in the R-4 Multiple Dwelling Zone*— Provided that all R-4 uses shall be subject to the same limitations and controls as to use and areas as specifically set forth in Sections 44A and 44C, and provided they are conducted more than 100 feet from a lot in an R-1 or R-2 Zone.

3. *The Following Uses*—*Provided they are conducted wholly within a building, except for off-street loading of delivery vehicles and automobile parking which are incidental thereto as required in Section 24:*

- (a) *Bakery*
- (b) *Barber shop or beauty parlor*
- (c) *Book or stationery store*
- (d) *Clothes cleaning agency or pressing establishment*
- (e) *Club, lodge (non-profit) or fraternal association*
- (f) *Confectionery store*

- (g) *Custom dressmaking or millinery shop*
- (h) *Drug Store*
- (i) *Dry goods or notion store*
- (j) *Florist or gift shop*
- (k) *Grocery, fruit or vegetable store*
- (l) *Hardware or electric appliance store*
- (m) *Jewelry store*
- (n) *Laundry agency*
- (o) *Meat market or delicatessen*
- (p) *Music store or newstand*
- (q) *Office, business or professional*
- (r) *Package liquor store*
- (s) *Philanthropic or Charitable Institutions or District Nursing office.*
- (t) *Photographer*
- (u) *Restaurant, tea room or cafe (excluding dancing or entertainment)*
- (v) *Shoe Store or shoe repair shop*
- (w) *Tailor, clothing or wearing apparel store*
- (x) *Variety store*
- (y) *Local Governmental enterprises*

The above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively.

All products shall be sold at retail on the premises and not more than four persons shall be engaged exclusively in the process of production. (Ord. 1959, Chap. 1259.)

4. *The Following Special Exception—If its location is first approved by the Board as provided for in Sections 91 and 92.*

- (a) *Retail ice storage house of not more than 5 tons capacity.*

5. *Sign—Any exterior sign displayed shall pertain only to a use conducted on the premises, and shall not extend above the*

roof level, except in case of one-story buildings. (Ord. 1951, Chap. 567; Ord. 1954, Chap. 900.)

(a) *Wall signs shall not extend or project beyond any street line more than 12 inches or exceed four (4) square feet in area for every foot occupied by the front of the building displaying such sign. (Ord. 1951, Chap. 567.)*

(b) *Projecting signs shall not exceed 18 feet in height nor 6 feet in width. Such signs shall not extend or project beyond the street line more than 6 feet if their height is 10 feet or less; otherwise they shall not extend or project beyond the street line more than 4 feet. In no event shall such sign or part thereof be erected closer than 2 feet to the curb line. (Ord. 1951, Chap. 567; Ord. 1954, Chap. 900)*

(c) *Signs other than wall or projecting signs not exceeding 12 feet in height nor 18 feet in width, including supports, provided that such signs shall not be less than 6 feet from the lot line. (Ord. 1951, Chap. 567; Ord. 1954, Chap. 900.)*

6. *Uses Customarily Incident*—To any of the above uses and accessory buildings, when located on the same lot, including a garage for the exclusive use of the patrons of the above stores or businesses.

7. *Public Parking Area*—When located and developed as required in Section 24.

B. Height

1. *Maximum Height*—3 stories not to exceed 45 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Where the block frontage is located wholly in the C Zone and where the distance between the curb line of the street and the front property line is 12 feet or more in width no front yard is required. Where the block frontage is located partly in the C Zone and partly in an R Zone the front yard requirement of the R Zone shall apply in the C Zone. Where the distance between the curb line of the street and the front property line is less than 12 feet in width the ground floor set back of the commercial structure or use shall be sufficient to provide a 12 foot open space between said curb line and said commercial structure or use.

2. *Side Yards*—Where the side of a lot in the C Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than 4 feet for each story, or 12 feet in height, but such side yard shall be not less than 6 feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall be not less than 3 feet in width.

Nothing herein contained shall prohibit a one foot side yard for the purpose of facilitating construction (Ord. 1954, Chap. 900.)

3. *Rear Yard*—Where the rear of a lot in the C Zone abuts upon a lot in an R Zone, there shall be a rear yard of not less than 20 per cent of the depth of the lot, but such rear yard need not exceed 20 feet. In all other cases no rear yard shall be required, but if provided, it shall be not less than 3 feet in depth, provided that nothing herein contained shall prohibit a one foot side yard for the purpose of facilitating construction. (Ord. 1954, Chap. 900.)

4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 52. C-2 GENERAL COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-2 General Commercial Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-4 Multiple Dwelling Zone*—Provided that all R-4 uses shall be subject to the same limitations and controls as to use and area as specifically set forth in the R-4 Zone, Sections 44A and 44C.

2. *Any Use Permitted in the C-1 Limited Commercial Zone*—Provided all C-1 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-1 Zone, Section 51A, and the following uses.

- (a) Apartment hotel or hotel
- (b) Auditorium
- (c) Bank
- (d) Bar
- (e) Bath, turkish and the like
- (f) Bird store, pet shop or taxidermist
- (g) Blueprinting or photostating
- (h) Catering establishment
- (i) Cleaning establishment using not more than two clothes cleaning units neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is non-explosive and non-inflammable
- (j) Department, furniture or radio store
- (k) Film exchange
- (l) Funeral parlor
- (m) Interior decorating store
- (n) Medical or dental clinic or laboratory
- (o) Music conservatory or music instruction
- (p) Parking garage

- (q) Pawnshop
- (r) Rescue or temporary revival mission
- (s) Retail ice station of not more than 5 tons capacity
- (t) Self-service laundry
- (u) Super market
- (v) Theatre
- (w) Trade or business school or private school operated as a commercial enterprise
- (x) Wholesale merchandise broker excluding wholesale storage

3. *The Following Uses*—Provided they are conducted wholly within a building, except for off-street loading of delivery vehicles *and automobile parking* which are incidental thereto as required in Section 24.

- (a) Art or antique shop
- (b) Second hand store

(c) *Upholstery shops, including automobile upholstery, in establishments the capacity of which does not exceed 3 cars at any one time. (Ord. 1959, Chap. 1284.)*

4. *The Following Special Exception*—If its location is first approved by the Board as provided for in Sections 91 and 92.

- (a) Hospital or sanitarium for contagious, mental, drug or liquor addict cases or animal hospital.

5. *Uses Customarily Incident*—To any of the above uses and accessory buildings when located on the same lot, provided, (a) there shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises; (b) there shall be not more than five persons engaged in the manufacture, com-

pounding, processing or treatment of products; or in catering, cleaning, laundering, plumbing, upholstering and the like; (c) such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

B. Height

1. *Maximum Height*—Same as C-1 Zone, Section 51.
2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Same as C-1 Zone, Section 51.
2. *Side Yards*—Same as C-1 Zone, Section 51.
3. *Rear Yard*—Same as C-1 Zone, Section 51.
4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 53. C-3 DOWNTOWN COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-3 Downtown Commercial Zone.

A. Permitted Uses

1. *Any Use Permitted in the C-2 General Commercial Zone*—Provided all C-2 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-2 Zone, Section 52A.

2. *Billboards*

3. *Automobile Parking Space*—Within the C-3 Zone automobile parking space requirements shall not apply to structures which are one to 6 stories in height. Where the

structures are more than 6 stories in height the automobile parking space requirements shall apply as set forth in Sec. 24 to that portion of the building or structure exceeding 6 stories in height. (Chap. 639, Ord. 1952.)

B. Height

1. *Maximum Height*—300 feet, provided that where any building or structure exceeds a height of 6 stories or 75 feet each part thereof above 6 stories or 75 feet shall be set back from the required yard lines, or lot lines where no yards are required, at least one foot for each 3 feet above 6 stories or 75 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Where the block frontage is located wholly in the C-3 Zone, no front yard is required, but where it is located partly in the C-3 Zone and partly in an R Zone, the front yard requirement of the R Zone shall apply to the entire block frontage.

2. *Side Yards*—Same as C-1 Zone, Section 51.

3. *Rear Yard*—Same as C-1 Zone, Section 51.

4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 54. C-4 HEAVY COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-4 Heavy Commercial Zone.

A. Permitted Uses

1. *Any Use Permitted in the C-2 General Commercial*

Zone—Provided all C-2 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-2 Zone, Section 52A.

2. *Automobile or Trailer Sales*—Provided that any display or storage area shall be developed as required in Section 24, and that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building, where the mechanical power employed in the operation of any machine or tool does not exceed one horsepower and where the total mechanical power provided or employed does not exceed 3 horsepower.

3. *Automobile Service Station*

(Sub)Section 1. Lot Requirements—On application to the Director of the Department of Building Inspection for any increase in the total storage capacity of petroleum products to a maximum of 20,000 gallons for automobile service stations it shall be permitted only where the following lot requirements are complied with;

- (a) *Minimum lot size*—twelve thousand (12,000) square feet.
- (b) *Minimum depth of lot*—one hundred (100) feet.
- (c) *Minimum lot width*—one hundred twenty (120) feet.
- (d) *Minimum setback line from all street lines*—forty (40) feet.
- (e) *Minimum distance from all property lines other than street lines*—twenty (20) feet.
- (f) *Minimum distance between any access driveway and any residential district*—twenty-five (25) feet.
- (g) *Minimum distance between pump islands, compressed*

air connections, and similar equipment and facilities and any street lines—twenty (20) feet.

(h) Maximum width of curbcuts for access driveways—twenty-five (25) feet.

(Sub)Section 2. Spacing of access driveways Minimum requirements:

(1) Minimum distance from adjoining property lines—ten (20) feet.

(2) Minimum distance from intersecting street lines—twenty (20) feet.

(3) Minimum distance between access driveways—twenty (20) feet.

(Sub)Section 3. Installation of Underground Storage Tanks—Control over the installation of underground storage tanks shall be governed by the following distances from buildings and property lines. The separation is related to tank size as follows:

CAPACITY OF OUTSIDE UNDERGROUND TANKS FOR FLAMABLE LIQUIDS VERSUS LOCATION WITH RESPECT TO ADJACENT LOT LINES AND BUILDINGS.

<i>Separation</i>	<i>Quantity of Underground Storage</i>
<i>10 feet</i>	<i>3,000 gallons</i>
<i>20 feet</i>	<i>6,000 gallons</i>
<i>25 feet</i>	<i>12,000 gallons</i>
<i>30 feet</i>	<i>20,000 gallons</i>

The service station structure itself is exempted from separation

distance if it has no basement or pits that extend lower than the top of the tank.

(Sub)Section 4. Repairing and Washing Regulations—It shall be required that any tire or tube repairing, battery charging, and storage of merchandise or supplies are conducted wholly within a building; provided further that any lubrication or washing not conducted within a building shall be permitted only if a solid wall compact evergreen screen or uniformly painted board fence not less than 4 feet high is erected and maintained between such uses and any adjoining R Zone and provided that the use area shall be developed as required in Section 24. (Ord. 1957, Chap. 1111; Ord. 1959, Chap. 1285; Ord. 1970, Chap. 70-46.)

4. *Billboards*

5. *Drive-in Business*—Where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height is erected and maintained between such uses and any adjoining R Zone.

6. *Greenhouse, Nursery, Flower or Plant*—Provided all incidental equipment is kept wholly within a building.

7. *Public Service*—Including electric distributing substation, fire or police station, telephone exchange and the like.

8. *Sign Painting or Tire Shop*—Provided all activities shall be conducted wholly within a building.

9. *The Following Uses*—Provided they are conducted wholly within a building except for the off-street loading of delivery vehicles and *automobile parking* which are incidental thereto as required in Section 24, and provided further, that where such uses are within 50 feet of a lot in an R Zone, the building wall facing

said R Zone shall have no openings other than stationary window openings unless the same are necessary for emergency egress:

(a) Amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery and the like.

(b) The storage of self-propelled vehicles which are for remuneration or hire.

(c) Carpenter, cabinet shop, laundry or dry cleaning establishment, printing and binding establishment, plumbing or sheet metal shop, garage repair shop, but excluding manufacture, and provided not more than one horsepower motor may be used with any one machine and not more than a total of 3 horsepower per shop and further provided that said shops shall be at least 200 feet from any lot in an R Zone and that such uses shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration. (Ord. 1954, Chap. 900.)

(d) Building material sales office and accessory storage of materials with a floor area not to exceed 3,000 square feet and including incidental mill work.

10. *The Following Uses—Provided they are conducted more than 100 feet from a lot in an R Zone:*

(a) Camp ground

(b) Circus or transient amusement

(c) Creamery or ice cream manufacture

(d) Drive-in movies

(e) Driving tees or ranges

(f) Feed or fuel store

(g) Ice manufacture or cold storage

(h) Poultry or rabbit killing incidental to retail sales on the premises

(i) *Stadium*
(Ord. 1954, Chap. 900.)

B. Height

1. *Maximum Height*—Same as C-1 Zone, Section 51.
2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Same as C-1 Zone, Section 51.
2. *Side Yards*—Same as C-1 Zone, Section 51.
3. *Rear Yard*—Same as C-1 Zone, Section 51.
4. *Exceptions*—To area regulations are provided for in Section 73.

ARTICLE VI INDUSTRIAL ZONE REGULATIONS

SEC. 61. M-1 GENERAL INDUSTRIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the M-1 General Industrial Zone:

A. Permitted Uses

1. *Any Use Permitted in the C-4 Heavy Commercial Zone*—Provided all C-4 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-4 Zone, Section 54A, and provided further that a building containing dwelling units shall be permitted only where it is within 200 feet of an abutting R Zone.

2. *The Following Uses*—Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building, except for the off-street loading of

delivery vehicles and *automobile parking* which are incidental thereto as required in Section 24:

(a) Animal hospital or kennels.

(b) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders.

(c) Automobile assembling, painting, upholstering, rebuilding, reconditioning, truck repairing or overhauling, tire retreading or recapping, battery manufacture.

(d) Blacksmith shop, manufacture of machine tools or metal products, manufacture of machinery including agricultural, electrical machinery or equipment, office or store machines, equipment or supplies and the like, machine shop excluding punch presses over 100 tons rated capacity and drop hammers.

(e) Bottling works.

(f) Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors.

(g) Laboratory, experimental, photo, motion picture, film or testing.

(h) The manufacture, compounding, assembling or treatment of articles, or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns and paint not employing a boiling process.

(i) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics,

drugs, perfumes, pharmaceuticals, soap, textiles, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils.

(j) The manufacture or maintenance of electric or neon signs, billboards, commercial advertising structures, light sheet metal products including heating or ventilating ducts or equipment, cornices, eaves and the like.

(k) The manufacture of musical instruments, clocks, watches, toys, novelties and rubber or metal stamps.

(l) The manufacture of pottery or figurines or other similar ceramic products, using only previously pulverized clay, or kilns fired only by electricity or gas.

(m) Storage and sale of petroleum and petroleum products in quantities not exceeding 21,000 gallons.

(n) Warehousing and wholesale merchandise storage.

3. *The Following Uses*—Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence, not less than 4 feet in height; except for the off-street loading of delivery vehicles *and automobile parking* which are incidental thereto as required in Section 24:

(a) Building material sales yard, including the sale of lumber, rock, sand and gravel as an incidental part of the main business, but excluding concrete mixing.

(b) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.

(c) Draying, freighting or trucking yard or terminal.

- (d) Feed or fuel yard.
- (e) Public utility service yard or electrical receiving or transforming stations.
- (f) Small boat storage and building except shipbuilding.
- (g) Stone cutting.

4. *The Following Uses*—Provided where they are within 150 feet of a lot in an R Zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height; except for the off-street loading of delivery vehicles *and automobile parking* which are incidental thereto as required in Section 24:

- (a) Automobile or machinery wrecking
- (b) Bleaching or dyeing
- (c) Body or fender works
- (d) Brewery or liquor distillery
- (e) Brick, tile, terra cotta or cinder block manufacture
- (f) Junkyard, storage, sorting, collecting or bailing of rags, paper, metal or junk

5. *Uses Customarily Incident*—To any of the above uses and accessory buildings when located on the same lot.

B. Height

1. *Maximum Height*—6 stories not to exceed 75 feet. No building or structure nor the enlargement of any building or structure shall be hereafter erected or altered to exceed the height requirements of an adjacent R Zone when such building or structure is within 150 feet of said adjacent R Zone.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Not required; except where a structure hereafter erected or extended, faces property in an R Zone the setback of the R Zone shall apply; or where the block frontage is located partly in the M-1 Zone and partly in an R Zone, the front yard requirement of the R Zone shall apply in the M-1 Zone.

2. *Side Yards*—Where the side of a lot in the M-1 Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than 4 feet for each story of 12 feet in height, but such side yard shall be not less than 6 feet in width. In all other cases, a side yard for an industrial building shall not be required, but if provided, it shall be not less than 3 feet in width, provided that nothing herein contained shall prohibit a one foot side yard for the purpose of facilitating construction. (Ord. 1954, Chap. 900.)

3. *Rear Yard*—Where the rear of a lot in the M-1 Zone abuts upon a lot in an R Zone there shall be a rear yard of not less than 20 per cent of the depth of the lot, but such rear yard need not exceed 20 feet. In all other cases, a rear yard for an industrial building shall not be required, but if provided, it shall be not less than 3 feet in depth, provided that nothing herein contained shall prohibit a one foot rear yard for the purpose of facilitating construction. (Ord. 1954, Chap. 900.)

4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 62. M-2 HEAVY INDUSTRIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the M-2 Heavy Industrial Zone.

A. Permitted Uses

1. *Any Use Permitted in the M-1 General Industrial Zone—* Provided, however, no building, structure or portion thereof shall be hereafter erected, converted, or used for any dwelling use permitted in any R Zone except accessory buildings which are incidental to the use of the land; and the following uses:

- (a) Acetylene gas manufacture or storage
- (b) Alcohol manufacture
- (c) Ammonia or bleaching powder manufacture
- (d) Asphalt manufacture or refining
- (e) Boiler works, locomotive or railroad car manufacture
- (f) Carbon or lamp black manufacture
- (g) Central station light or power plant
- (h) Chemical manufacture except those listed in Section 24
- (i) Coal distillation including manufacture or derivation of the by-products
- (j) Coke oven
- (k) Concrete or cement products manufacture
- (l) Cotton gin or oil mill
- (m) Creosote manufacture or treatment
- (n) Fish smoking, curing or canning
- (o) Gas manufacture from coal or petroleum or the storage thereof
- (p) Incinerator, municipal

- (q) Iron or steel foundry, steel furnace or rolling mill
- (r) Meat products manufacture
- (s) Oilcloth or linoleum manufacture
- (t) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture
- (u) Paper or pulp manufacture
- (v) Petroleum products manufacture or wholesale storage of petroleum or its products in quantities exceeding 21,000 gallons
- (w) Planning mill
- (x) Plaster manufacture
- (y) Plastic manufacture
- (z) Potash works
- (aa) Power forge
- (bb) Pyroxylin manufacture
- (cc) Quarry or stone mill
- (dd) Rock, sand or gravel—distribution, storage excavating or crushing
- (ee) Rubber or gutta-percha manufacture or treatment
- (ff) Salt works
- (gg) Shipbuilding
- (hh) Sodium compounds manufacture
- (ii) Stove or shoe polish manufacture
- (jj) Tanning, curing or storage of raw hides

(kk) Tar distillation or tar products manufacture

(ll) Wool pulling or scouring

B. Height

1. *Maximum Height*—Same as M-1 Zone, Section 61.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Not required

2. *Side Yards*—For an industrial building shall not be required, but if provided, shall be not less than 3 feet in width, provided that nothing herein contained shall prohibit a one foot side yard for the purpose of facilitating construction. (Ord. 1954, Chap 900.)

3. *Rear Yard*—For an industrial building shall not be required, but if provided, shall be not less than 3 feet in depth, provided that nothing herein contained shall prohibit a one foot rear yard for the purpose of facilitating construction. (Ord. 1954, Chap. 900.)

4. *Exceptions*—To yard regulations are provided for in Section 73.

ARTICLE VI-A PURPOSES.

The preservation of structures of historic and architectural value is hereby declared to be a public purpose. It is declared that the purpose of this Ordinance is to:

(a) safeguard the heritage of this City by preserving districts in this City which reflect elements of its cultural, social, economic, political, and architectural history; (b) stabilize and improve

property values in such districts; (c) foster civic beauty; (d) strengthen the local economy; (e) promote the use of historic districts for the education, pleasure and welfare of the citizens of the City.

All provisions of Chapter 544 as amended shall apply to the historic districts created hereunder, except as hereby otherwise provided, together with the additional requirements set forth herein.

B. Regulation of Structures.

No structure shall be constructed, altered or repaired, moved or demolished in any historic district established by the city Council, except in compliance with the requirements set forth in this Article.

Structures within an historic district having great historic and architectural worth and which are deemed to be so valuable that any change to their exterior appearance or their removal or destruction will be a great loss to the City, State or Nation, shall be described by street and number and name, if any, and by assessor's plat and lot number on a first priority list.

Structures within an historic district deemed to be valuable for the period of architecture they represent and important to the neighborhood within which they exist shall be described by assessor's plat and lot number on a second priority list.

C. Historic College Hill District.

1. There is hereby created an Historic College Hill District. The boundaries of which are shown on the map entitled "Historic College Hill District", dated February 14, 1960, which map is incorporated and made a part of the within Ordinance.

[Both Sides of Power Street, between Thayer Street and Governor Street, (Ord. 1977, Chapter 77-43.)]

2. *There is also incorporated and made a part of the within Ordinance as appurtenant to said Historic College Hill District a first priority list, and a second priority list of structures within said College Hill District, said lists being appended hereto.*

D. Historic District Commission.

(1) Creation of Commission:

In order to execute the purposes declared in this Article, there is hereby created a commission to be called the "Historic District Commission."

(2) Membership of Commission:

The Historic District Commission shall consist of seven (7) members who shall reside in the City of Providence. They shall be appointed by the Mayor for three-year terms; provided that two of the initial members shall be appointed for one year; two for two years; and three for three years. All initial terms shall commence September 1, 1960. The Mayor shall appoint the Chairman of said Commission. In the event of a vacancy on the Commission interim appointments may be made by the Mayor to fill the unexpired term of a member. Duly organized and existing preservation societies may present to the Mayor lists of qualified citizens, but the Mayor shall not be restricted to such lists in making his appointments to the Commission. The members of the Commission shall serve without compensation.

(3) Duties and Powers of the Commission:

It shall be the duty of the Commission to review all plans for the construction, alteration, repair, moving, or demolition of structures in an historic district affecting the exterior appearance of any structure, and it shall have the power to pass upon such plans before a permit for such activity may be granted. In reviewing plans, the Commission shall give consideration to a) the

historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area; b) the relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area; c) the general compatibility of exterior design, arrangement, texture and materials proposed to be used; d) any other factor, including aesthetic, which it deems pertinent.

The Commission shall pass only on exterior features of a structure and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in the previous paragraph.

It is the intent of this Article that the Commission be strict in its judgment of plans for alteration, repair or demolition of existing structures deemed to be valuable according to studies performed by the Providence City Plan Commission. With reference to the Historic College Hill District, created as part of this Ordinance, consideration shall be given to the City Plan Commission Study of 1959, entitled "College Hill—A Demonstration Study of Historic Area Renewal."

It is the intent of this Article that the Commission shall encourage that the making of alterations and repairs to structures on priority lists be made in the spirit of their architectural style, but that additions to structures may be made in styles other than the one in which the structure was built.

In the case of an application for repair or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure on the first priority list, the Commission shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure. Unless the Commission 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 or unless such proposed construction, alteration and repair will not in the opinion of the Commission materially impair the historic value of said structure, the Commission shall file with the Department of Building Inspection, or duly delegated authority, its rejection of such application. In the absence of a change in such structure arising from casualty, no new application for the same or similar work shall be filed within one year after such rejection. Moving of a structure is to be allowed as a final alternative only if there is no other way to retain the structure on its original site.

In case of an application for repair or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure on the second priority list, the Commission may file with the Department of Building Inspection or other duly delegated authority its approval of such application if any of the circumstances under which approval might have been given under the preceding paragraph are in existence or if: (a) retention of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community; (b) retention of such structure would cause undue financial hardship to the owner; or (c) the retention of such structure would not be in the interest of the majority of the community. It is intended that demolition of these structures should be discouraged as their loss will be a loss to the city and the neighborhood. Moving of a structure should be encouraged as an alternative to demolition of a structure on this list if there is no other way to save the structure.

It is also the intent of this Article that the Commission shall be lenient in its judgment of plans for new construction or for alteration, repair, or demolition of structures of little historic value not shown on priority lists, except where such construction, alteration, repair or demolition would seriously impair the historic or architectural value of surrounding structure or the

surrounding area. It is not the intent of this Article to limit new construction, alteration, or repair to any one period of architectural style.

The Commission shall review the priority lists at least once every five years and, if, after careful study, it deems structures on the lists not worthy for inclusion on the list, or if it deems structures not on the list worthy of inclusion on the lists, it shall make its recommendations for such changes to the City Council.

The Commission shall have the power to call in experts to aid it in its deliberations. Expenditures of the Commission shall be limited to amounts appropriated for its use.

The Commission shall have the power to issue a Certificate of approval if it approves of the plans submitted to it for its review, or may reject plans if it feels they do not meet the requirements set forth in this Article. The Department of Building Inspection shall not issue a building permit until such Certificate of Approval has been issued by the Commission.

(4) Rules of the Commission:

The Historic District Commission shall elect from its membership a Vice-Chairman, whose term of office shall be fixed by the Commission. The Chairman shall preside over the Commission and shall have the right to vote. The Vice-Chairman shall, in case of absence or disability of the Chairman, perform the duties of the Chairman.

The Commission shall have assigned to it a secretary who may be an employee of the City Plan Commission. The secretary shall keep a record of all resolutions, proceedings and actions of the Historic District Commission.

At least four members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall

adopt rules for the transaction of its business which shall provide for the time and place of holding regular meetings. They shall provide for the calling of special meetings by the Chairman or by at least two members of the Commission. All meetings of the Commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.

The Commission shall keep a record, which shall be open to public inspection, of its resolutions, proceedings and actions. The concurring vote of four members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion, or other action of the Commission. The concurring vote of four (4) members shall be necessary for disapproval. The Commission shall submit an annual report of its activities to the Mayor and City Council.

E—Procedure for Review of Plans.

Application for a permit to build, alter, repair, move, demolish or make any addition to any structure, which affects its exterior appearance in any historic district shall be made to the Director of Building Inspection. The application shall state whether the property is in an historic district.

Plans shall be submitted showing the structure in question and also showing its relationship to adjacent structures as required by present or future Ordinances. Upon the filing of such application, the Director of Building Inspection shall transmit it, together with accompanying plans and other information to the Commission.

The Historic District Commission shall meet within fifteen (15) days after its receipt of said application, unless otherwise mutually agreed upon by the applicant and Commission, and shall review the plans according to the duties and powers

specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit and shall confer with the applicant before disapproving the application.

The Commission shall approve or disapprove such plans and, if approved, shall issue a Certificate of Approval, which is to be signed by the Chairman or Vice-Chairman, attached to the application for a building permit and immediately transmitted to the Director of Building Inspection. The Chairman or Vice-Chairman shall also stamp all prints submitted to the Commission, signifying its approval. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing signed by the Chairman or Vice-Chairman to the Director of Building Inspection and to the applicant. The Commission may advise the applicant what it thinks is proper before it disapproves of the plans submitted. The applicant, if he so desires, may make the suggested modifications to his plans and the Commission shall thereupon approve them.

The failure of the Historic District Commission to approve or disapprove of such plans within forty-five days from the date application filed with it for the building permit, unless otherwise mutually agreed upon by the applicant and Commission, shall be deemed to constitute approval. The Commission shall forthwith transfer all papers to the Director of Building Inspection, and the Director of Building Inspection shall proceed to process the application without regard to a Certificate of Approval.

After a building permit is granted as herein provided, the Director of Building Inspection shall from time to time inspect the construction, alteration, or repair and shall take such action as is necessary to ensure compliance with the plans.

F—Demolition or Moving of Historic Structures

The demolition or moving of structures of historic or architectural worth shall be discouraged and the priority lists included in this Article shall serve as a guide for judgment of plans for demolition or moving by the Historic District Commission.

In cases where approval for demolition is granted, for reasons other than public health, improvement, interest, or safety, such certificate shall not become effective until two (2) months after the date of such issuance in order to provide a period of time within which it may be possible to relieve a hardship or to cause the property to be transferred to another owner who will retain or move the structure.

G—Yard Variances

Due to peculiar conditions of design and construction in historic neighborhoods where structures were often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by making variances or exceptions to normal yard requirements. Where it is deemed that such variance or exceptions will not adversely affect neighboring properties, the Commission may recommend to the Zoning Board of Review that such variance or exception to standard yard requirements be made.

H—Exceptions

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any structure within the Historic District; nor shall anything in this Article be construed to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the Director of Building Inspection, prior to the passage of the within Article.

I—Appeals

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have the right of appeal concerning such decision to the Zoning Board of Review, and a further right of appeal from the Zoning Board to the Supreme Court by writ of certiorari.

The concurrent vote of four members of the Zoning Board of Review shall be required for any decision upon said appeal. Said appeal shall be claimed within thirty (30) days after notification that the Historic District Commission has disapproved the plan submitted to it or any revisions thereof.

The applicant shall file in the office of the Department of Building Inspection a claim of appeal from the decision of said Commission to the Zoning Board of Review. Upon the filing of such appeal, the Director of Building Inspection shall forthwith forward all papers in the proceedings to the Zoning Board of Review, and shall notify the Commission of the taking of such appeal.

The Zoning Board of Review shall hear such appeal de novo, as if the proceedings had been originally commenced before the Zoning Board of Review as a petition for an exception or variance of Chapter 544, as amended.

An appeal fee of Thirty-five (\$35.00) Dollars shall be paid upon taking an appeal to the Zoning Board of Review to cover the costs of advertising said appeal.

The Zoning Board of Review shall be guided by all of the provisions of the within Article in passing upon said appeal. Appeals from the decision of the Zoning Board of Review shall follow the same procedure provided for in Chapter 544, as amended, and Section 45 of the General Laws of Rhode Island, 1956, as amended.

J—This Article in Addition to Other Ordinances.

This Article shall be subject and in addition to all zoning and building Ordinances of the City as now or hereafter adopted.

K—Partial Invalidity of Said Ordinance.

This Ordinance shall take effect upon its passage. If any clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of any other clause, provisions or portion of this Ordinance. (Ord. 1960, Chap. 1342.)

ARTICLE VII EXCEPTIONS AND MODIFICATIONS

SEC. 71. USE

A. Private Parking Not Required—Topography

Where a lot abuts upon a street or place which, due to topographic conditions or excessive grades, is not accessible by automobile, and such lot is to be occupied by not more than a one-family dwelling, no private garage shall be required. (Chap. 639, Ord. 1952.)

B. Public Utilities and Public Services.

The provisions of this Ordinance shall not be construed as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes, or water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines, sewer mains, and incidental appurtenances and public telephone booths in C and M Zones, provided that corner setback requirements as set forth in Section 26-A-5 are

complied with in respect to such booths. (Ord. 1956, Chap. 1071.)

SEC. 72. HEIGHT

A. Three-Story Building in Two-Story Zones

In the zones limiting height to two stories not to exceed 30 feet, any permitted structure may be increased in height to three stories not to exceed 40 feet provided the required side yards are increased an additional foot for each 3 feet such structure exceeds 30 feet.

B. Through Lots (150 feet or less in depth)

On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.

C. Through Lots (more than 150 feet in depth)

On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than 150 feet from the street.

D. Structures Permitted Above Height Limit

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, billboards, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, gas containers or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, commercial or industrial use.

SEC. 73. AREA

A. Yard Regulations Modified

Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in Sections 91 and 92.

B. Front Yard—Between Projecting Buildings

Where a lot is situated between two lots, each of which has a main building (within 25 feet of its side lot line) which projects beyond the established front yard line and was so maintained when this Ordinance became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall be not less than 6 feet.

C. Front Yard—Adjoining Projecting Building

Where a lot adjoins only one lot having a main building (within 25 feet of its side lot line) which projects beyond the established front yard line and has been so maintained since this Ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line, provided, however, the front yard of such lot shall be not less than 8 feet.

D. Front Yard—Sloping Lot

Where the elevation of the ground at a point 50 feet from the front line of the lot and midway between the side lines, differs 10 feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is 20 percent or more on at least 1/4 of the depth of the lot, the front yard shall be at least 50 percent of that required in the zone provided the required

front yard of such lot shall be not less than 8 feet. A private garage, not exceeding one story or 14 feet in height, may be located in such front yard provided every portion of the garage building is at least 8 feet from the front lot line and does not occupy more than 50 per cent of the width of the front yard.

E. Side Yard Reduced—Where a lot is 60 feet or less in width any dwelling not exceeding 30 feet in height, whether existing or proposed, may be extended into a side yard by a one-story structure not exceeding 14 feet in height and 30 feet in depth so as to reduce such side yard to 4 feet; the aggregate width of both side yards may be reduced 20 per cent of the width of the lot, but shall be not less than 10 feet, provided, however, any portion of the building exceeding 14 feet in height on the side with the one-story extension must set back not less than 12 feet from the side lot line. (Ord. 1954, Chap. 900.)

F. Side Yards Waived

For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one building occupying one lot: semi-detached dwellings, row dwellings and group dwellings.

G. Requirements for Mixed Occupancy in C and M Zones—In C1, C2, C4 and M1 Zones dwellings may be erected above the ground floor of a building when such ground floor is designed and used exclusively for commercial or industrial uses, provided that the number of dwelling units shall not exceed one for each 2,500 square feet of lot area and that such dwellings shall be not less than 6 feet from any lot line. This provision shall not apply to hotels or apartment hotels. (Ord. 1954, Chap. 900.)

H. Rear Yard—Accessory Building—An accessory building not exceeding 2 stories or 20 feet in height may occupy not more than 50 percent of the area of a required rear yard. A garage

attached to the main building or structure may, nevertheless be located in the required rear yard, if such garage is located not less than 4 feet from any lot line. (Ord. 1954, Chap. 900.)

I. Through Lot—May Be Two Lots

Where a through lot has a depth of 150 feet or more, and an area of 10,000 square feet or more, said lot may be assumed to be two lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.

J. Projections Into Yards

1. *Porte Cochere*—A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one story in height and 20 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features provided, however, said porte cochere does not extend to within 6 feet of a side lot line.

2. *Cornice, Sill or Chimney*—A cornice, eave, 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 3 feet.

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

4. *Open Stairway and Balcony*—An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard not more than 4 feet.

and such balcony may extend into a required front yard not more than 4 feet.

5. *Open Porch*—An open, unenclosed porch, platform or landing place, which, except for the roof, does not extend above the level of the first floor of the building may extend or project into any required front yard not more than 6 feet, or into any required rear yard not more than 8 feet, and into any required side yard 6 feet, but in no case closer than 4 feet to the side lot line. (Chap. 663, Ord. 1952.)

6. *Landscape Feature*—A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard, provided it does not violate the provisions of Section 26.

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Inspector of Buildings of the City of Providence to 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.

SEC. 81. BUILDING PERMIT

Before a permit is issued for the erection, moving, alteration, 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.

A. Site Plan

Every application for a building permit under the provisions of the Building Code of the City of Providence shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot,

accurate dimension of the lot, yards and building or buildings, together with locations, size and use of any and all buildings not on the lot but within 50 feet from the boundaries thereof, unless separated therefrom by a street together with such other information as may be necessary to the enforcement of the Ordinance.

No site plan shall be required with an application for such a permit involving only alteration of an existing building or buildings, where the use and exterior surfaces of such buildings are not changed or enlarged in any manner. (Ord. 1954, Chap. 900.)

B. Interpretation of Ordinance

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The lot or yard areas required by this Ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this Ordinance became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required area shall not be included as a part of the required areas of any building hereafter erected.

C. Completion of Existing Buildings

Nothing in this Ordinance shall require any change in the plans, construction or intended use of a building for which a building permit has heretofore been issued, and the construction of which shall have been diligently prosecuted within 6 months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within such 6 months, and such entire building shall

be completed according to such plans as filed within 2 years from the date this Ordinance became effective. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the Inspector of Buildings.

SEC 82. 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 use of a different classification.
- (c) Occupancy and use of vacant land except for the raising of crops.
- (d) Change in the use of land to a use of a different classification except for the raising of crops.
- (e) Any change in use of a nonconforming use.

No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the Inspector of Buildings.

Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued within 5 days after a written request for the same has been made to the Inspector of Buildings after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

Pending the issuance of such a certificate, a temporary

certificate of occupancy may be issued by the Inspector of Buildings for a period of not more than 6 months during the completion of the construction of the building or of alterations which are required under the terms of any law or Ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the City relating to the use or occupancy of the land or building, or any other matter covered by this Ordinance, and such temporary certificate shall not be issued, except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Inspector of Buildings.

If the proposed use is in conformity with the provisions of this Ordinance, the certificate of occupancy therefor shall be issued within 5 days after the application for the same has been made. Each certificate of occupancy shall state that in the opinion of the Building Inspector the building or proposed use of a building or land complies with all provisions of law and of all City Ordinances.

A record of all certificates of occupancy shall be kept on file in the office of the Inspector of Buildings, and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.

SEC. 83. ENFORCEMENT

All departments, officials and public employees of the City of

Providence 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.

SEC. 84. PENALTIES.

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance shall be fined not exceeding 100 Dollars for each offense, such fine to inure to the City of Providence. Each day of the existence of any violation shall be deemed a separate offense.

The erection, construction, enlargement, 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, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation.

The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

ARTICLE IX BOARD OF REVIEW

SEC. 91. ORGANIZATION AND PROCEDURE

The Board of Review as constituted at the time of the effective date of this Ordinance, and the terms of office of the members

thereof, shall be continued. In June, 1952, and in June of each year thereafter, the Mayor shall appoint, subject to the approval of the City Council, one member of the Board to succeed the member whose term that expires and said appointee shall thereafter hold office for a term of 5 years. Each member of the Board shall hold office until his successor is appointed and qualified. In case any vacancy should occur in the Board from any cause, the Mayor shall appoint, subject to the approval of the City Council, a member of the Board to fill the vacancy for the remainder of the term. The members of the Board may be removed by the Mayor, subject to the approval of the City Council for such cause as he shall deem sufficient and shall express in the order of removal. Immediately after any selection of a member of the Board, the Mayor, with the approval of the City Council shall designate a member of the Board to be its Chairman. The secretary and clerks who held office at the time of the effective date of this Ordinance shall continue during the pleasure of the Board, and vacancies in these offices shall be filled by the Board.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Petitions for variances and for special exceptions as authorized in this Ordinance and by law may be addressed to the Board and shall, prior to public hearing be referred to the Director of the Commission for written recommendation thereon. If the Director fails to act within 25 days, he shall be deemed to approve such petitions. Prior to decision on such petitions, the Board shall hold a public hearing thereon. Seven days prior to said hearing notice shall be mailed to the petitioner and to the owners of all property deemed by the Board to be affected thereby as they appear in the current records of the City Assessor

and also advertised once at least 10 days prior to the public hearing in a daily newspaper published in the City of Providence.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Inspector of Buildings or other duly authorized 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 this Ordinance or to effect any variation in the application of this Ordinance.

The Board shall cause to be made a detailed report of all its proceedings, setting forth its reasons for its decisions, the vote of each member participating therein and the absence of a member or his failure to vote. Such record, immediately following the Board's decision shall be filed in the office of the Board and of the Inspector of Buildings, and shall be open to public inspection. Notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

Any person or persons, jointly or severally aggrieved by a decision of the Board, or any officer, department, board or bureau of the municipality may present to the supreme court a petition as provided in Section 8 of Chapter 342 of the General Laws of 1938 as amended.

In addition to the members herein provided for, the Mayor shall appoint, subject to the approval of the City Council, an auxiliary or sixth member of the Board who shall sit as an active member of the Board upon the request of the Chairman when and if a member of the Board is unable to serve at any hearing. As soon as may be after passage of this Ordinance, the Mayor shall appoint such sixth member to serve until June, 1952, and in June of 1952 and of each year thereafter, shall make said

appointment for a term of one year and until a successor is appointed and qualified. Said sixth member shall be subject to removal in the same manner as is provided for the other members of the Board, and vacancies in said office shall likewise be filled in the same manner. (Ord. 1952, Ch. 591.)

SEC. 92. POWERS OF THE BOARD OF REVIEW

The Board shall have the powers provided for in Section 8 of Chapter 342 of the General Laws of 1938 as amended, in the exercise of which it may, 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, determine and vary the application of this Ordinance for variances and for special exceptions as provided for herein in connection with which it may impose such conditions regarding the location, character and other features of the proposed building, structure or use as it deems to be in harmony with the general purposes and intent of this Ordinance.

The discretion of the Board shall be exercised in accord with the standards and rules of guidance expressed in Article I of this Ordinance.

Section 92-A. Any variance or special exception granted by said board shall expire by limitation within six months from the date the same is granted unless the applicant shall, within said period, exercise the right granted by said decision or receive a building permit so to do. The board, may upon application therefor and for cause shown, extend the within limitations for an additional six month period; said application for an extension need not be advertised. (Ord. 1952, Ch. 597).

ARTICLE X AMENDMENTS TO ORDINANCE AND MAP

The regulations, restrictions and boundaries provided for in this Ordinance may from time to time be amended or repealed.

SEC. 101. PROCEDURE

This Ordinance may from time to time be amended or repealed as provided in Section 2 of Chapter 342 of the General Laws of 1938 as amended.

SEC. 102. FILING FEES

No petition for an amendment to the zoning ordinance, including the zoning map, shall be accepted by the clerk of the city council unless accompanied by a filing fee of one hundred dollars (\$100.00), which shall be deposited with the city clerk, and no part of which shall be returnable to the petitioner. (Ord. 1965, Chap. 1706; Ord. 1967, Chap. 1876; Ord. 1970, Chap. 70-10; Ord. 1972, Chap. 72-17.)

No petition to the zoning board of review for an appeal, special exception or variance, shall be accepted by the secretary of the zoning board of review, unless accompanied by a filing fee of thirty-five dollars (\$35.00), which shall be deposited with the city collector, and no part of which shall be returnable to the petitioner. (Ord. 1970, Chap. 70-12; Ord. 1972, Chap. 72-22.)

SEC. 103. LIMITATIONS UPON SUCCESSIVE PETITIONS

No petition for an amendment to the Zoning Ordinance including the Zoning Map, or no application for an exception or variance therefrom shall be accepted by the Clerk of the City Council or the Secretary of the Zoning Board of Review if a petition or application praying for the same amendment, exception or variance has been denied or the petitioner granted

leave to withdraw within the preceding twelve months, provided, that such a petition or application may be accepted at any time with the consent of the Committee on Ordinances or the Zoning Board of Review respectively, if it shall include or be accompanied by an affidavit which, in the opinion of said Committee on Ordinances or said Zoning Board of Review sets forth facts indicating a substantial change of circumstances justifying a hearing on said petition or application for exception or variance. (Ord. 1954, Chap. 898.)

ARTICLE XI VALIDITY

SEC. 111. CONFLICT WITH OTHER ORDINANCES

Chapter 370 of the Ordinances of the City of Providence, approved June 6, 1923, as amended from time to time, is hereby repealed, but this Ordinance shall not repeal, annul or impair any existing provisions of law or Ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that wherever the terms of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lots to be left unoccupied, or impose other higher standards than are required in any other statute or local Ordinance or regulation the provisions of this Ordinance shall govern. Wherever the provisions 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 vaiances 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 said *Chapter 370 of the Ordinances of the City of Providence, approved June 6, 1923, as amended from time to time*, had not been repealed. All violations of said Ordinance, *as heretofore amended*, shall be punishable as if said Ordinance, *as heretofore amended*, had not been repealed and said Ordinance, *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.

SEC. 112. 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.

SEC. 113. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption by the City Council and approval by the Mayor.

APPENDIX
 TITLE 45, CHAPTER 24
 GENERAL LAWS OF RHODE ISLAND—1956
 (1970 REENACTMENT)
 AS AMENDED
 ZONING ORDINANCES

Section	
45-24- 1.	Power of councils—Scope of ordinances.
45-24- 2.	Division into districts—Uniformity within districts.
45-24- 3.	General purposes of ordinances.
45-24- 4.	Hearings on ordinances.
45-24- 4.1	Specific ordinances.
45-24- 4.2	Adjoining cities or towns—Parties in interest.
45-24- 4.3	Adjoining cities or towns—Water sources protected.
45-24- 5.	Amendment and repeal of ordinances—Landowner's protests.
45-24- 6.	Penalties for ordinance violations—Injunction.
45-24- 7.	Judicial aid in the enforcement of ordinances.
45-24- 8.	Reimbursement of town for work in removal of structures.
45-24- 9.	Priority in judicial proceedings.
45-24-10.	Pre-existing uses saved.
45-24-11.	Creation of vested rights or incumbrances not intended.
45-24-12.	Regulation of nuisances and of trades and industry.
45-24-13.	Selection of board of review—Power to make special exceptions.
45-24-14.	Composition of board of review—Open hearings.
45-24-15.	Records of board.
45-24-16.	Appeals to board of review.
45-25-17.	Stay of proceedings on appeal.
45-24-18.	Hearings of appeals to board.
45-24-19.	Powers of board of review—Vote required for action.
45-24-20.	Appeals to superior court.
45-24-21.	Special statutes controlling.
45-24-22.	Community residences.

45-24-1. *Powers of councils—Scope of ordinances.*—For the purpose of promoting the public health, safety, morals or general welfare, the city council of any city and the town council of any town, upon the approval of the financial town meeting of

Source: Rhode Island State Enabling Acts; R. I. Dept. of Community Affairs, Planning and Redevelopment Division, 1978

such town, shall have the power in accordance with the provisions of this chapter within the limits of such city or town 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, the location and use of buildings, structures and land for trade, industry, residence or other purposes, and to prohibit or limit uses of land in areas deemed to be subject to seasonal or periodic flooding.

45-24-2. *Division into districts—Uniformity within districts.*—For any and all of said purposes said city or town 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 chapter; 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.

45-24-3. *General purposes of ordinances.*—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 the public 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 town or municipality.

45-24-4. *Hearings on general ordinances.*—No such ordinance which is general in scope 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 or town council, as the case may be, or a committee or commission authorized by such city or town council to investigate and make recommendations concerning such proposed ordinance, who shall give first 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 or town at least once each week for three (3) 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. Such newspaper notice containing a statement of the proposed amendments to the ordinance shall be inserted once in its entirety and thereafter a weekly formal legal notice shall be inserted stating that a public hearing will be held specifying the time and place of such hearing. Said subsequent formal notices shall include reference to said original advertisement which gave full description. Whenever a general ordinance includes amendments which make changes in the zoning maps, except for previously approved zoning board approvals, the provisions of 45-24-4.1 shall be mandatory.

45-24-4.1. *Specific ordinances.*—No such ordinance making a specific change in the zoning map shall be enacted, amended or repealed until after a public hearing, at which opportunity shall be given all persons interested to be heard, has been held upon the question of the enactment, amendment or repeal of such ordinance, before the city or town council, or a

committee or commission authorized by such city or town council to investigate and make recommendations concerning such proposed ordinance, as the case may be, who shall first give written notice of the time and place of such public hearing, and the nature and purpose thereof, to all owners of any real property within two hundred (200) feet of the perimeter of the real property which is the subject matter of the proposed amendment, enactment or repeal, by registered or certified mail at least seven (7) days before the date of said hearing and by publication of such notice in a newspaper of general circulation within such city or town at least once each week for the three (3) successive weeks prior to the date of such hearing. Provided, however, notwithstanding the provisions of section 45-24-2 the town or city council may in approving a zone change limit such change to one (1) of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations and conditions upon the use of the land as it deems necessary. The responsible town or city official shall cause the limitations and conditions so imposed to be clearly noted on the zoning map. If the permitted use for which the land has been rezoned is abandoned or if the land not used for that purpose for a period of two (2) years or more, the town or city council may after a public hearing as hereinafter set forth, change the land to its original zoning use before such petition was filed.

Such newspaper notice containing a statement of the proposed amendments to the ordinance shall be inserted once in its entirety and thereafter a weekly formal legal notice shall be inserted stating that a public hearing will be held specifying the time and place of such hearing. Said subsequent formal notices shall include reference to said original advertisement which gave full description.

45-24-4.2. *Adjoining cities or towns—Parties in interest.—*

The city or town council of any city or town, the boundary of which is within an area that might be affected by any such proposed ordinance or amendment or appeal of any such existing ordinance, or by any proceedings before the zoning board or board of review of any adjoining city or town where a landowner in such area would be entitled to notice of such proposed change or proceedings except that such area is beyond the boundary of the particular city or town, shall be entitled to such notice and shall be a party in interest in all such proceedings and shall have the same standing and rights of appeal as a landowner, entitled to such notice, who is located in such city or town.

45-24-4.3. *Adjoining cities and towns—Water sources protected.*—The city or town council of any city or town where there is a municipal or public or quasi-public water source or where there is a private water source that is used or is suitable for use as such a public water source that is within one thousand feet (1,000') of an area that might be affected by any such proposed ordinance or amendment or appeal of any such existing ordinance, or by any proceedings before the zoning board or board of review of any adjoining city or town shall be entitled to due notice of such proceedings and shall be a party in interest in all such proceedings and shall have the same standing and rights of appeal as a landowner, entitled to such notice, who is located in such city or town.

45-25-5. *Amendment and repeal of ordinance—Landowners' protests.*—The city or town council, 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 or town clerk of such city or town on or before the day of such hearing or within three (3) days

thereafter a written protest against such proposed amendment or repeal signed and acknowledged by the owners of twenty percent (20%) or more of the street frontage of the property proposed to be affected, or by the owners of twenty percent (20%) or more of the street frontage directly opposite the property proposed to be affected, or by the owners of the property abutting on twenty percent (20%) 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 or town council and the approval of the mayor of such town or 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 town or city. The word "owner" as used in this section shall not be construed to include attaching creditors or lien holders other than mortgagees.

45-24-6. *Penalties for ordinance violations—Injunction.*—The city or town council of such town or city, as the case may be, shall have power to provide a penalty for the violation of any ordinance enacted under the authority of this chapter by fine not exceeding one hundred dollars (\$100) for each offense and to provide that each day of the existence of any such violation shall be deemed a separate offense, such fine to inure to such town or city, and may also cause suit to be brought in the supreme or superior court in the name of such town or city to restrain the violation of, or to compel compliance with, the provisions of any such ordinance.

45-24-7. *Judicial aid in enforcement of ordinances.*—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 town or city instituted by its town or 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 chapter, 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 chapter;

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

45-24-8. *Reimbursement of town for work in removal of structures.*—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 town or 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 and 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 town or city, such official shall cause the same to be brought in the name of such city or town.

45-24-9. *Priority in judicial proceedings.*—Upon the entry of any case or proceeding brought under the provisions of this chapter, including pending appeals and appeals hereinafter taken to said court, referred to in 45-24-20, the court shall at the request of either party advance the case, so that the matter shall

be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.

45-24-10. *Pre-existing uses saved.*—No ordinance enacted under the authority of this chapter 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.

45-24-11. *Creation of vested rights or incumbrances not intended.*—Nothing in this chapter or any ordinance enacted under the authority of this chapter shall create or be construed to create any vested rights in any person, firm, or corporation, or to be or create any incumbrances upon the title of any person, firm, or corporation in any property affected by any such ordinance.

45-24-12. *Regulation of nuisances and of trades and industry.*—The provisions of this chapter, or of any ordinance enacted under the authority of this chapter, 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 chapter shall not be construed to be in any manner an exercise of any authority given by the provisions of chapters 18, 19, and 24 of Title 23; and provided, further, that after the passage of this chapter the exercise by the city council of any city or the town council of any town of any authority given by the provisions of said chapters 18, 19, and 24 of Title 23 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.

45-24-13. *Selection of board of review—Power to make special exceptions.*—The city council of any city or the town council of any town shall provide for the selection and organization of a board of review, and in the regulations and restrictions adopted pursuant to the authority of this chapter shall 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 with general or specific rules therein contained, or where such exception is reasonably necessary for the convenience or welfare of the public.

45-24-14. *Composition of board of review—Open hearings.*—The board of review shall consist of five (5) members, each to hold office for the term of five (5) years; provided, however, that the original selections shall be made for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. The mayor of any city or the town council of any town shall have the right to name an auxiliary* or sixth member of said board of review of said city or town, as the case may be, who shall sit as an active member when and if a member of said board is unable to serve at any hearing, upon request of the chairman of said board. All hearings of such board shall be open to the public.

Provided further, however, that in addition to the membership of the board of review of the city of Providence, said board shall consist of two (2) additional members. Each of said additional members of the board of review of the city of Providence shall be members of the city council elected to said board forthwith after [May 19, 1975] by the city council from its [councilmanic]

*See page 96, Amendments 45-24-14.

members to serve for his term of office. The board of review of the city of Providence shall elect a chairman and a secretary from its membership.

45-24-15. *Records of board.*—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.

45-24-16. *Appeals to board of review.*—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.

45-24-17. *Stay of proceedings on appeal.*—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 therefore and upon notice to the officer from whom the appeal is taken and on due cause shown.

45-24-18. *Hearing of appeals to board.*—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 party in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.

45-24-19. *Powers of board of review—Vote required for action.*—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 chapter 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 unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the fore-mentioned powers the board may, in conformity with the provisions of this chapter, 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 officer from whom the appeal was taken.

The concurring vote of three (3) 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 (4) 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 such ordinance or to effect any variation in the application of such ordinance.

45-24-20. *Appeals to superior court.*—Any person or persons jointly or severally aggrieved by a decision of the zoning board may appeal to the superior court for the county in which the municipality is situated by filing a complaint setting forth the reasons of appeal within twenty (20) days after such decision has been filed in the office of the zoning board. The zoning board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within ten (10) days after being served with a copy of the complaint. When the complaint filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the zoning board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

If, before, the date set for hearing in the superior court, application is made to the court for leave to present additional evidence before the zoning board and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for the failure to present it at the hearing before the zoning board, the court may order that the additional evidence be taken before the zoning board upon

conditions determined by the court. The zoning board may modify its findings and decision by reason of such additional evidence and shall file that evidence and any modifications, new findings or decision with the superior court.

The review shall be conducted by the superior court without a jury. The court shall consider the record of the hearing before the zoning board, and if it shall appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to such appeal to present such evidence in open court, which evidence along with said record shall constitute the record upon which the determination of the court shall be made.

The court shall not substitute its judgment for that of the zoning board as to the weight of the evidence on questions of fact. The court may affirm the decision of the zoning board or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:

1. in violation of constitutional, statutory or ordinance provisions;
2. in excess of the authority granted to the zoning board by statute or ordinance;
3. made upon unlawful procedure;
4. affected by other error of law;
5. clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
6. arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

The provisions of this section shall apply to appeals from all zoning boards of review of any city or town, whether or not such city or town has adopted the provisions of this chapter.

45-24-21. *Special statutes controlling.*—The provisions of this chapter are subject to the provisions of any special statutes respecting any particular town or city, none of which are hereby repealed, except as otherwise provided.

45-24-22. *Community residences.*—Wherever six (6) or fewer retarded children or adults reside in any type of residence in the community they shall be considered a family and all requirements pertaining to local zoning are waived.

AMENDMENTS:

- | | |
|-----------------|---|
| Sec. 45-24-1. | Power of Councils—Scope of ordinances. (Amended, Ch. 83, P.L. 1957) |
| Sec. 45-24-4. | Hearings on ordinances. (Amended, Ch. 173, P.L. 1967) |
| Sec. 45-24-4.1. | Specific ordinances. (Added, Ch. 173, P.L. 1967) |
| Sec. 45-24-2. | Adjoining cities and towns—Parties in interest. (Added, Ch. 270, P.L. 1968) |
| Sec. 45-24-4.3. | Adjoining cities and towns—Water sources protected. (Added, Ch. 271, P.L. 1968) |
| Sec. 45-24-20. | Appeals to superior court. (Amended, Ch. 239, P.L. 1969) |
| Sec. 45-24-14* | Composition of board of review—Open hearings. |
| Sec. 45-24-9. | Priority in judicial proceedings. (Amended, Ch. 19, P.L. 1972) |
| Sec. 45-24-4.1 | Specific ordinances. (Amended, Ch. 256, P.L. 1972) |
| Sec. 45-24-4.1. | Specific ordinances. (Amended, Ch. 203, P.L. 1974) |
| Sec. 45-24-4. | Hearings on general ordinances. (Amended Ch. 114, P.L. 1976) |
| Sec. 45-24-4.1. | Specific ordinances. (Amended, Ch. 114, P.L. 1976) |
| Sec. 45-24-22. | Community residences. (Added, Ch. 257, P.L. 1977) |
| Sec. 45-24-4.1 | Specific ordinances. (Amended, Ch. 156, P.L. 1978) |

*Numerous amendments have been made to this section by special act to allow for additional auxiliary members to the zoning board of review. The following communities have a second auxiliary or seventh member on the zoning board of review: Newport, Tiverton, Smithfield, East Greenwich, West Greenwich, Middletown, North Smithfield, Warwick, Gloucester, Portsmouth, Central Falls, Jamestown and West Warwick. Little Compton has two additional auxiliary members or seventh and eighth members of said board. Two additional members of the Providence zoning board are to be members of the City Council, elected by the City Council.

TITLE 45, CHAPTER 24.1
GENERAL LAWS OF RHODE ISLAND — 1956
(1970 REENACTMENT)
AS AMENDED
HISTORICAL AREA ZONING

Section

45-24.1-1.	Declaration of purpose.
45-24.1-2.	Historic district zoning authorized.
45-24.1-3.	Creation of commission authorized—Membership— Appointment—Term of office.
45-24.1-3.1.	Present appointments unaffected.
45-24.1-4.	Permit required to construct, alter or demolish structure— Application—Powers of commission—Public meetings.
45-24.1-5.	Certificate of approval or rejection of plans.
45-24.1-6.	Exceptions to application of chapter.
45-24.1-7.	Appeals.
45-24.1-8.	Preservation of historic structures in Newport.
45-24.1-9.	Preservation of historic structures in Warwick.
45-24.1-10.	Preservation of historic structures in Providence.
45-24.1-11.	Preservation of historic structures in Cranston.
45-24.1-12.	Preservation of historic structures in Smithfield.
45-24.1-13.	Preservation of historic structures in North Smithfield.
45-24.1-14.	Preservation of historic structures in East Greenwich.
45-24.1-15.	Preservation of historic structures in Coventry.
45-24.1-16.	Preservation of historic structures in Woonsocket.

45-24.1-1. *Declaration of purpose.*—The preservation of structures of historic and architectural value is hereby declared to be a public purpose and the city council of any city and the

town council of any town shall have the power by ordinance to regulate the construction, alteration, repair, moving and demolition of such structures within the limits of such city or town. It is recognized that the purpose of such ordinance is to: (a) safeguard the heritage of such city or town by preserving a district in a city or town which reflects elements of its cultural, social, economic, political, and architectural history; (b) stabilize and improve property values in such district; (c) foster civic beauty; (d) strengthen the local economy; (e) promote the use of historic districts for the education, pleasure and welfare of the citizens of the city or town.

45-24.1-2. *Historic district zoning authorized.*—For such purposes each city and town shall have the authority to establish, change, lay out and define districts which are deemed to be of historic or architectural value in the same manner as such cities and towns are presently empowered to establish or change areas and classifications of zoning.

45-24.1-3. *Creation of commission authorized—Membership appointment—Term of Office.*—In order to carry out the purposes of this chapter the city council of any city or the town council of any town shall have the authority to create a commission to be called the historic district commission. The membership of such a commission in a city shall consist of seven (7) qualified members and in a town shall consist of not less than three (3) nor more than seven (7) qualified members whose residence is located in such city or town, provided that the historic district commission of the city of Providence shall consist of nine (9) qualified members two (2) of whom shall be members of the city council elected by the city council from its (councilmanic) members to serve for a term ending the first Monday in January, A.D. 1975 and thereafter elected for a term of four (4) years. In a city the members shall be appointed by the

mayor, except as hereinbefore provided in the case of the historic district commission of the city of Providence, and in a town by the president of the town council. The appointed members of such commission shall be appointed for three (3) year terms except the initial appointments of some of the members shall be for less than three (3) years to the end that the initial appointments shall be staggered and so that subsequent appointments shall not reoccur at the same time. Appointed members of the commission shall be eligible for reappointment. In the event of a vacancy on the commission interim appointments of appointed members, may be made by the appointing authority to complete the unexpired term of such position. Duly organized and existing preservation societies may present to the appointing authority of a city or town a list of qualified citizens from which list the appointing authority may select members of the commission for his respective city or town.

Provided, however, that the president of the town council of the town of East Greenwich shall have the right to name an auxiliary member of said commission of the town of East Greenwich in addition to the members of said commission appointed pursuant to the above, which auxiliary member shall sit as an active member when and if a member of said commission is unable to serve at any hearing, upon request of the chairman of said commission.

45-24.1-3.1. *Present appointments unaffected.*—Nothing in section 45-24.1-3 contained shall in any way alter any other part or provision of this title, chapter or section or any appointments heretofore or hereafter made thereunder, all of which remain in full force and effect.

45-24.1-4. *Permit required to construct, alter or demolish structure—Application—Powers of commission—Public meetings.*—Before any construction, alteration, repair, moving

or demolition affecting the exterior appearance of a structure is made within such a district, the person, individual, firm or corporation proposing to make such construction or changes shall file an application for permission to build, alter, repair, move, demolish or make any addition as is or shall be required by present or future ordinance or duly appointed rules and regulations governing such matters in the respective cities and towns. All such applications after filing shall be referred prior to the granting thereof together with all plans pertaining thereto to the historic district commission and it shall be the duty of the commission to review such plans and applications and no permit shall be granted until the commission has acted thereon as hereinafter provided.

In reviewing plans the commission shall give consideration to: (a) the historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area; (b) the relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area; (c) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used and (d) to any other factor, including aesthetic, which it deems to be pertinent.

45-24.1-5. *Certificate of approval or rejection of plans.*—The commission shall file with the inspector of buildings or other duly delegated authority its certificate of approval or rejection of all plans submitted to it for review. No work shall begin until such certificate shall have been filed, but in the case of rejection such certificate shall be binding upon the inspector of buildings or other duly delegated authority, and no permit shall be issued in such case. The failure of the commission to act within forty-five (45) days from the date of application filed with it unless an extension is agreed upon mutually by the applicant and the

commission shall be deemed to constitute approval. In the event, however, that the historic district commission shall make a finding of fact that the circumstances of a particular application requires further time for additional study and information than can be obtained within the aforesaid period of forty-five (45) days, then and in said event the said commission shall have a period of up to ninety (90) days within which to act upon such application.

45-24.1-6. *Exceptions to application of chapter.*—Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within the historic district; nor shall anything in this chapter be construed to prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the inspector of buildings prior to the passage of such ordinance.

45-24.1-7. *Appeals.*—Any person or persons jointly or severally aggrieved by a decision of this historic district commission shall have the right of appeal concerning such decision to the zoning board and a further right of appeal from said zoning board to the supreme court by writ of certiorari.

45-24.1-8. *Preservation of historic structures in Newport.*—In addition to all other powers granted by the provisions of this chapter, the city of Newport is hereby authorized by ordinance to establish, upon recommendation of its historic commission, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving and demolition of such buildings and structures.

45-24.1-9. *Preservation of historic structures in Warwick.*—

In addition to all other powers granted by the provisions of this chapter, the city of Warwick is hereby authorized by ordinance to establish, upon recommendation of its historic commission, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving and demolition of such buildings and structures.

45-24.1-10. *Preservation of historic structures in Providence.*
—In addition to all other powers granted by the provisions of this chapter, the city of Providence is hereby authorized by ordinance to establish, upon recommendation of its historic commission, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving and demolition of such buildings and structures.

45-24.1-11. *Preservation of historic structures in Cranston.*
—In addition to all other powers granted by the provisions of this chapter, the city of Cranston is hereby authorized by ordinance to establish, upon recommendation of its historic commission, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving and demolition of such buildings and structures.

45-24.1-12. *Preservation of historic structures in Smithfield.*
—In addition to all other powers granted by the provisions of this chapter, the town of Smithfield is hereby authorized by

ordinance to establish, upon recommendation of its historic commission, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving and demolition of such buildings and structures.

45-24.1-13. *Preservation of historic structures in North Smithfield.*—In addition to all other powers granted by the provisions of this chapter, the town of North Smithfield is hereby authorized by ordinance to establish, upon recommendation of its historic commission, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving and demolition of such buildings and structures.

45-24.1-14. *Preservation of historic structures in East Greenwich.*—In addition to all other powers granted by the provisions of this chapter, the town of East Greenwich is hereby authorized by ordinance to establish, upon recommendation of its historic commission, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving, and demolition of such buildings and structures.

45-24.1-15. *Preservation of historic structures in Coventry.*—In addition to all other powers granted by the provisions of this chapter, the town of Coventry is hereby authorized by

ordinance to establish, upon recommendation of the Coventry historical society, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving and demolition of such buildings and structures.

45-24.1-16. *Preservation of historic structures in Woonsocket.*—In addition to all other powers granted by the provisions of this chapter, the city of Woonsocket is hereby authorized by ordinance to establish, upon recommendation of its historic districts commission, a list of specified buildings or structures which are deemed to be of historic or architectural value and from time to time to add to or delete from such a list in the same manner as it is presently empowered to establish or change areas of classification of zoning and to regulate the construction, alteration, repair, moving and demolition of such buildings and structures.

AMENDMENTS:

- Sec. 45-24.1-5. Certificate of approval or rejection of plans (Amended, Ch. 152, P.L. 1963)
- Sec. 45-24.1-8. Preservation of historic structures in Newport (Added Ch. 220, P.L. 1964)
- Sec. 45-24.1-9. Preservation of historic structures in Warwick (Added Ch. 239, P.L. 1965)
- Sec. 45-24.1-10. Preservation of historic structures in Providence, (Added Ch. 191, P.L. 1969)
- Sec. 45-24.1-11. Preservation of historic structures in Cranston (Added Ch. 235, P.L. 1969)
- Sec. 45-24.1-12. Preservation of historic structures in Smithfield (Added Ch. 31, P.L. 1972)
- Sec. 45-24.1-13. Preservation of historic structures in North Smithfield (Added Ch. 32, P.L. 1972)
- Sec. 45-24.1-3. Creation of commission authorized—Membership—Appointment—Term of office (Amended Ch. 221, P.L. 1972)
- Sec. 45-24.1-3. Creation of commission authorized—Membership—Appointment—Term of office (Amended Ch. 142, P.L. 1976)
- Sec. 45-24.1-14. Preservation of historic structures in East Greenwich (Added Ch. 38, P.L. 1977)
- Sec. 45-24.1-15. Preservation of historic structures in Coventry (Added Ch. 185, P.L. 1977)
- Sec. 45-24.1-16. Preservation of historic structures in Woonsocket (Added Ch. 30, P.L. 1978)

EXHIBIT F



- Rhode Island Aerial Photographs (1986)
- Rhode Island Aerial Photographs (Spring 1987)
- Rhode Island Aerial Photographs (Spring 2006)
- Rhode Island Aerial Photographs (Spring 2011)
- Rhode Island Aerial Photographs (April 2014)
- Rhode Island Aerial Photographs (Spring 2018)
- Rhode Island Aerial Photographs (Fall 2018)
- Rhode Island Aerial Photographs (Winter 2019)
- Rhode Island Aerial Photographs (Spring 2019)
- Rhode Island Aerial Photographs (Summer 2019)
- Rhode Island Aerial Photographs (Winter 2020)
- Rhode Island Aerial Photographs (Spring 2020)
- Rhode Island Aerial Photographs (Spring 2020 Alternate)
- Rhode Island Aerial Photographs (Fall 2020)
- Rhode Island Aerial Photographs (Spring 2021)
- Rhode Island Aerial Photographs (Fall 2021)
- Rhode Island Aerial Photographs (Spring 2022)
- Rhode Island Aerial Photographs (Summer 2022)
- Rhode Island Aerial Photographs (Winter 2023)
- Rhode Island Aerial Photographs (Spring 2023)

- Rhode Island Aerial Photographs (1951-1952)
- Rhode Island Aerial Photographs (1962)
- Rhode Island Aerial Photographs (1972)
- Rhode Island Aerial Photographs (1981)
- Rhode Island Aerial Photographs (1985)
- Rhode Island Aerial Photographs (1993)
- Rhode Island Aerial Photographs (Spring 1997)
- Rhode Island Aerial Photographs (Spring 2006)
- Rhode Island Aerial Photographs (Spring 2011)
- Rhode Island Aerial Photographs (April 2014)
- Rhode Island Aerial Photographs (Spring 2016)
- Rhode Island Aerial Photographs (Fall 2016)
- Rhode Island Aerial Photographs (Winter 2019)
- Rhode Island Aerial Photographs (Spring 2019)
- Rhode Island Aerial Photographs (Summer 2019)
- Rhode Island Aerial Photographs (Winter 2020)
- Rhode Island Aerial Photographs (Spring 2020)
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- Rhode Island Aerial Photographs (Fall 2020)
- Rhode Island Aerial Photographs (Spring 2021)
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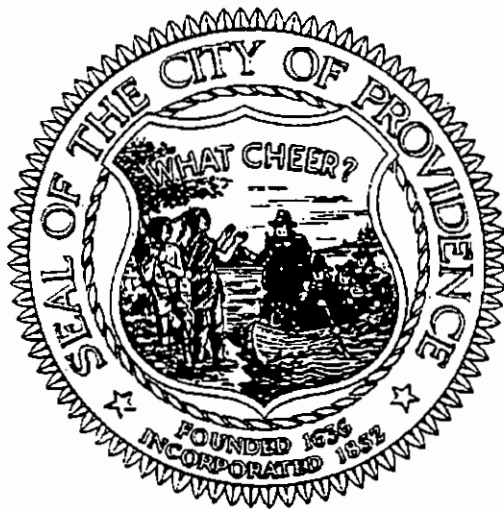
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- > Rhode Island Aerial Photographs (Spring 2005) ...
- > Rhode Island Aerial Photographs (Spring 2011) ...
- > Rhode Island Aerial Photographs (April 2014) ...
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- > Rhode Island Aerial Photographs (Spring 2020) ...
- > Rhode Island Aerial Photographs (Spring 2020) - Alternate ...
- > Rhode Island Aerial Photographs (Fall 2020) ...
- > Rhode Island Aerial Photographs (Spring 2021) ...
- > Rhode Island Aerial Photographs (Fall 2021) ...
- > Rhode Island Aerial Photographs (Spring 2022) ...
- > Rhode Island Aerial Photographs (Summer 2022) ...
- > Rhode Island Aerial Photographs (Winter 2022) ...
- > Rhode Island Aerial Photographs (Spring 2023) ...



EXHIBIT G

City of Providence

Zoning Ordinance



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

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. This zone is for application in the downtown core.

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

101.4 - Industrial Zoning Districts

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

M-2 Heavy Industrial District - This zone is intended to provide 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.

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 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 building or structure nonconforming by parking, may be changed to a different use, pursuant to all other provisions of this ordinance, provided that where such change in use increases the parking requirements in accordance with Article VII, additional parking spaces shall be supplied. The number of additional parking spaces supplied shall be the difference between the number of spaces required for the proposed use and the number of spaces required for the previous use. In the event that the new use requires less parking spaces than the previous use, no additional parking spaces need be supplied. However, none of the existing parking spaces shall be eliminated unless the number of spaces required by this ordinance for the new use are provided. All buildings within D Zones in existence, or completed in accordance with Section 1110 of this Ordinance, may be changed to a different use without providing additional parking.

205.3 - Institutional Parking: For institutions as provided for in Section 503 of this Ordinance and which are required to file and have filed a master plan in accordance with Section 503.4 of this Ordinance, the number of insufficient parking spaces as calculated on July 10, 1986, shall be permitted to continue, but shall not be allowed to be increased. (See Section 503.2 B).

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

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

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

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

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

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

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

ARTICLE III - USE AND DIMENSIONAL REGULATIONS

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

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

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

Section 303 - Use Regulations: Zoning districts, as defined, are listed horizontally on each page of the table of use regulations that follow. These zoning districts are described in Sections 101.1 through 101.6, inclusive. Floating zones, as defined, are described in Section 101.8 and are also regulated in the table of use regulations, with additional requirements in Section 503. Permitted uses, listed vertically in the table of use regulations, are denoted with a "Y" for Yes; uses not permitted are denoted with 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	Y	Y	Y	N	S ¹	N	Y	Y	Y	Y	N	N
14 1	Residential Mixed Use	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N
14 2	Loft, Commercial Artist	N	N	N	N	N	S	S	S	Y	Y	S	Y	N	S	S	N	N	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	Y	N	N
15	Lodging - Service Organization, 10 Rooming Units or less	N	N	N	N	S	Y	Y	Y	Y	Y	S ²	Y	N	S ¹	N	N	Y ³	Y ³	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
15.1	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 ⁴	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
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
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

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
16.1	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 200 feet of abutting residential zones. Not permitted over 200 feet from abutting residential zones.
2. See Section 905.2 for use permit criteria for Waterfront Zones.
3. When located on property owned by the institution.
4. Group quarters with no medical treatment, 8 residents or less that are not part of a community residence, as defined herein, are not permitted.

2.0 Institutional and Governmental Services

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
21	Educational Institution (Primary through Secondary Schools Grades 0-12) - Classroom, Office and Assembly Use	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	Y	S	Y	Y	Y	S	Y	N
21.1	Higher Educational Institution (Grades 13 and up) - Classroom, Office and Assembly Use ⁶	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y'	Y'	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'	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'	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

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
24.3	Health Care Institution - Parking Use	N	N	N	N	N	N	N	Y	N	Y	N	N	N	Y	N	Y ¹	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
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 ³	Y ³	Y ³	Y ³	Y ³	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y ³	N	N
26.1	Day Care Center, 7 to 12 people	S ³	S ³	S ³	S ³	S ³	Y	Y	Y	Y	Y	Y	Y	N	S	N	Y	Y	Y	S ³	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

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
27	Service Organization	N	N	N	N	S	Y	Y	Y	Y	Y	S ²	Y	N	Y	N	Y	Y ⁵	Y ⁵	Y ⁵	S ⁵	N
28	Cemetery	Y	Y	Y	Y	Y	Y	Y	Y	N	N	S ²	S ²	N	Y	Y	Y	N	N	N	Y	Y

FOOTNOTES:

1. Permitted only for institutions in an institutional zone in accordance with Section 503.
2. See Section 905.2 for Special Use Permit criteria for Waterfront Zones.
3. Provided that no more than 50% of the GFA of the dwelling unit is devoted to day care and no more than one (1) person not living in the unit is employed.
4. Only for service organizations that are owned by a government agency.
5. When located on property owned by the institution.
6. See Section 503.5(c).

3.0 CULTURAL, ENTERTAINMENT 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	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	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	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	S
33.2	Marina, Recreational Craft only	N	N	N	N	N	Y	Y	Y	Y	Y	Y	S	N	Y	Y	N	N	N	N	S	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	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	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	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	Y

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
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 are located more than 200 feet from an R Zone.

4.0 GENERAL SERVICES

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
41	Finance, Insurance and Real Estate Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y 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 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	N	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

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
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
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

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
57.2	Drive In Establishment	N	N	N	N	N	N	S	Y	N	S	N	N	N	Y	Y	N	N	N	N	N	N
58	Eating and/or Drinking Establishments, with Entertainment	N	N	N	N	N	N	Y	Y	Y	Y	N	S	N	Y	N	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	N
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 ³	S ³	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 ³	Y ³	S ²	Y	Y ¹	Y	Y	Y ³	Y ³	Y ³	N	N	N
64.1	Parking Lot, Principal Use	N	N	S ⁴	S ⁴	S ⁴	Y	Y	Y	Y ³	Y ³	Y	Y	Y ¹	Y	Y	Y ³	Y ³	Y ³	S ¹	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
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	N
65.1	Wireless Transmitting and Receiving Antenna, including Satellite Dish Type:	S	S	S	S	S	S	Y	Y	Y	Y	S	Y	Y	Y	Y	Y	Y	Y	S	S	N
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 ⁶	N	N	Y	N	Y	N	N	N	N	N	N
66.1	Incinerator and Waste Facility	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N	N	N
67	Landfill and Garbage Dump Including Offal or Dead Animal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
68	Outdoor Advertising - Billboards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

FOOTNOTES:

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

7.0 - 8.0 MANUFACTURING

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS	
70	Food and Kindred Products Manufacturing Including Canning and/or Packaging	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	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	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	N
70.3	Stock Yard or Feeding Pen	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	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	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	Y	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 ¹	N	Y	Y	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
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

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	
74.5	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	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	N
74.7	Manufacture and Storage of Explosives	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	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	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	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	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	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	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	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
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
79	Fabricated Metal	N	N	N	N	N	N	N	N	N	N	N	S ¹	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 ¹	N	Y	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
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 ¹	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 ¹	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 ¹	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 ¹	N	Y	Y	N	N	N	N	N	N
85	Arts and Crafts Manufacturing	N	N	N	N	N	S ¹	Y ⁴	Y ⁴	Y ⁴	Y ⁴	S ¹	S ¹	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.

Section 304 - Dimensional Regulations - Residential Districts:

	R-1 & PS	R-2	R-3, RG & RP	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 feet 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 Maximum 35 feet	
Maximum Lot Coverage ⁷	35% ⁶	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 and above ground pools shall not be considered when calculating overall lot coverage requirements stipulated in this code.

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

	C-1,2,4	M-1	M-2	I-1,2
Maximum Height	45 feet 3 stories	75 feet ¹ 6 stories	90 feet ¹ 7 stories	35 feet ² 2 stories
Minimum Lot Area	None ³	None ³	None ³	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 Feet ^{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 Institutional Floating Zone within 150 feet of the structure.
2. The allowable height for any building in an Institutional Floating Zone shall be a function of the open space between the proposed building and the applicable property and street lines. The allowable height for the entire building shall be determined in accordance with the most restrictive height calculated in accordance with the following requirements.
 - a. Building height shall be limited to thirty (30) feet whenever any part of the institutional building is located on a street line and the property on the opposite side of the street is in an R-zone and shall increase by one foot for every one foot setback from said street line up to a maximum height of seventy-five (75) feet/six (6) stories.
 - b. Building height shall be limited to forty (40) feet whenever any part of the institutional building is located thirty (30) feet from the property line of a lot in an R-zone and shall increase by one foot for every additional one foot setback up to a maximum of seventy-five 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 an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a minimum yard of 30 feet.
7. Where the side yard of the lot abuts a lot in an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a side yard of not less than 4 feet for each story or 12 feet in height, but such yard shall not be less than 6 feet.
8. Where the rear yard of a lot abuts upon a lot in an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a rear yard of not

less than twenty percent (20%) of the lot depth, maximum required need not exceed 20 feet.

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

Section 306 - Dimensional Regulations - Downtown Districts:

	D-1 and I-3	D-2
Maximum Height	Varies with Subzone ¹	90 ft./7 stories
Minimum Lot Area Per Dwelling Unit	250 sq. ft.	250 sq.ft.
Minimum Lot Area Per Rooming Unit	None	
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 a curved lot frontage, the building may be built to the chord or the tangent, whichever applies.
3. Where dwelling units are included in any building, such dwelling units shall not be less than six (6) feet from any interior lot line.
4. Where the property on the opposite side of the street is in an R Zone, the front yard requirement of the R Zone shall apply.

Section 307 - Dimensional Regulations - Waterfront Districts:

	W-1	W-2	W-3
Maximum Height	45 ft/3 stories	75 ft/6 stories	90 ft/7 stories
Minimum Lot Area	5,000 sq.ft.	5,000 sq.ft.	N/A
Minimum Lot Area Per Dwelling Unit	1,200 sq.ft. per dwelling	600 sq.ft. per dwelling	N/A
Minimum Lot Area Per Rooming Unit	400 sq.ft.	None	N/A
Minimum Lot Width and Frontage	50 ft.	50 ft.	0 ft.
Minimum Front Yard	12' from face of curb ^{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' Maximum 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 an R-zone, the front yard requirements of the R-zone shall apply.
3. Where the side yard of the lot abuts upon a lot in an R-zone, there shall be a side yard of not less than 4 ft. for each story or 12 feet in height but such yard shall not be less than 6 feet.
4. No structure shall be erected within 20 feet of the inland edge of the coastal feature except for docks and other similar facilities in connection with a permitted port facility or marina.
5. Where the rear yard of a lot abuts upon a lot in an R-zone, there shall be a rear yard of not less than twenty percent (20%) of the lot depth, maximum required need not exceed 20 feet.

ARTICLE IV - SUPPLEMENTARY REGULATIONS

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

Section 401 - Outdoor Uses: Within the R, C-1, C-2, RP, I and W-1 Zones, all uses must be conducted wholly within a building, except for off-street loading of delivery vehicles and automobile parking which are incidental thereto. In W-2, W-3 and M Zones, all uses which are within one hundred fifty (150) feet of an R Zone must be conducted wholly within a building except for off street loading of delivery vehicles and automobile parking which are incidental thereto.

401.1 - Outdoor Seating: Except in an R-Zone, up to an additional twenty five (25) percent of the existing inside seating of an eating and/or drinking establishment may be provided outside of the establishment. Such seating shall be located on the same lot as the main use or may be located on the adjoining city sidewalk only with the appropriate city permits and/or licenses. No additional parking shall be required for such additional seating, provided existing parking is not reduced. Any outdoor seating located within two hundred feet of an R Zone shall cease operation by 11 P.M.

401.2 - Outdoor Display: Except in an R Zone, outdoor displays are permitted up to ten (10) percent of the gross floor area of a commercial establishment. Such outdoor display shall be located on the same lot as the main use or may be located on the adjoining city sidewalk only with the appropriate city permits and/or licenses. No additional parking shall be required for such additional area, provided existing parking is not reduced. The goods displayed shall be removed at the end of each business day.

Section 402 - Accessory Residential Uses: Accessory residential uses shall include, but not necessarily be limited to accessory living quarters, recreation rooms, private garages, home occupations, swimming pools, and accessory parking (See Article VII for requirements). Notwithstanding the above, accessory family dwelling units shall not be permitted in any zone. Accessory uses are subject to all the requirements of this Ordinance, shall be customarily incidental and subordinate to the principal use, shall not be permitted without the principal use to which it is related, and shall be operated and maintained under the same ownership and on the same lot as the principal use.

Section 403 - Accessory Buildings and Structures in R Zones: An accessory building or structure is permitted, including a private garage, carport, shed, greenhouse, accessory living quarters, or a recreation room in any R Zone or on any lot located in any zone which is used for residential purposes subject to the following restrictions:

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

- C) Where the rear yard abuts upon a street no accessory building shall be erected within 18 feet of such street, if it contains a garage that is accessible from said street.
- D) A detached private garage may be located in the required rear yard and may be built up to the lot lines. A detached private garage shall not be located in the required side yard.
- E) A private garage attached to the main building or structure may be located in the required side and rear yard, if such garage is located not less than 4 feet from any side or rear lot line, provided that overall side yard requirement is maintained. Such garage shall be no more than one story or 14 feet in height and 24 feet in depth.
- F) A private garage or shed may be used to store vehicles, boats, recreational vehicles or similar equipment owned by the occupant. No more than one parking space shall be occupied by the vehicle of a nonresident owner.
- G) Storage or parking of commercial vehicles are prohibited in R Zones.
- H) No recreational vehicle shall be used for residential occupancy or stored for a period in excess of one (1) year unless it is in a condition for safe and effective performance of the function for which 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, upholstery and the like.

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

409.1 - Lot Requirements:

- A) Minimum lot size shall be 12,000 square feet.
- B) Minimum lot depth shall be 100 feet.
- C) Minimum lot width and frontage shall be 120 feet.

409.2 - Requirements for Service Station Buildings:

- A) Minimum setback from all street lines shall be 40 feet.
- B) Minimum setback from all interior lot lines shall be 20 feet.

409.3 - Requirements for Driveways:

- A) Minimum distance between the access driveway and the adjoining property lines shall be 20 feet.
- B) Minimum distance between the access driveway and intersecting street lines shall be 20 feet.
- C) Minimum distance between access driveways shall be 20 feet.
- D) Maximum width for curb cuts shall be 25 feet.

409.4 - Requirements for Other Structures:

- A) Minimum distance between pump islands, compressed air connections and similar equipment and any street or property lines, shall be 20 feet.
- B) Minimum distance between the canopy and the curb line shall be 12 feet.
- C) Minimum distance between any canopy and any interior lot line shall be 20 feet.

409.5 - Requirements for Underground Tanks:

- A) Maximum storage capacity for petroleum products shall be 42,000 gallons.
- B) Minimum separation distance required between underground tanks, adjoining buildings and property lines shall be ten (10) feet. Service station buildings are exempt from the separation distance requirement if there are no basements or pits that extend below the top of any tank within the separation distance.

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

Section 410 - Requirements for Outside Storage of Vehicles, Transportation Equipment and Materials to be Processed: All auto service stations, new and used car dealership, garage 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 - Restrictions:

All permitted roof structures shall comply with the following:

- A) The total area of all roof structures shall not exceed more than one-third of the total roof area of the building.
- B) All roof structures shall be set back from the edge of the roof a minimum distance of one foot for every two feet by which they extend above the roof.
- C) Where roof structures exceed one third of the roof area, there shall be either a parapet wall or other appropriate screening constructed to reduce the visual impact of such structures, which shall be counted as one story.

412.2 - Roof Structures Permitted Above Maximum Height:

- A) The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building: structures for the housing of

elevators and elevator shafts; stairways; fire or parapet walls; skylights; towers; steeples; chimneys; and fully enclosed mechanical equipment rooms.

- B) The following roof structures are permitted above the maximum height as specified in this ordinance: heating and air-conditioning equipment, ventilating fans, solar collectors, storage tanks for water, television, radio or satellite dish, antennae or masts, or similar equipment required to operate and maintain a building. No such roof structure shall exceed the maximum height for the zone in which it is located, except by the amount allowed herein:
- 1) Buildings from one (1) to six (6) stories - Ten (10) feet.
 - 2) Buildings exceeding six (6) stories - Ten (10) feet plus one (1) foot per story above the sixth (6) story to a maximum total of twenty (20) feet.
- C) If a roof structure exceeds one third of the total roof area, it shall be counted as a story and the building shall conform to the height restriction for the Zone in which it is located.

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

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

Section 414 - Front Yard Modifications:

414.1 - Averaging Setbacks: The minimum required front yard of any lot proposed to be built on may equal the average of the actual front yards, lawfully established on lots wholly or partially within 100 feet in both directions, on the same side of 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 the garage, without blocking the public right of way.

Section 415 - Side Yards Modifications: For the purpose of side yard regulations, any dwellings which occupy a single lot but have a common party wall shall be considered as one building. (For example, two-family detached dwellings or row dwellings).

**Section 416 - Projections into Yards:**


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

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

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

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

416.5 - Landscape Feature: A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard, and a patio or ground level deck, not exceeding 8 1/2 inches above the ground at any point, shall be permitted in any required side or rear yard.



Section 417 - Only One Principal Residential Building On a Lot: One principal residential building and permitted accessory buildings shall be located on a separate lot in an R Zone which shall not contain any other structure containing any other principal use. Buildings in the I Zones shall not be restricted by this regulation when used for institutional purposes.

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

Section 419 - Special Use Permit - Zoning Board: The following special use permits may be granted by the Board, in accordance with Section 902 and any additional criteria outlined in Section 905.

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

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

- A) Such use is situated in the same dwelling as the primary residence of the occupant;
- B) The residential character of such dwelling is not changed;
- C) There shall be not more than one assistant worker;
- D) No more than 50% of the gross floor area of the dwelling unit or 800 square feet, whichever ever is less, shall be used for the home occupation; and,
- E) There shall be no sale of goods, wares or merchandise on the premises.

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

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

419.5 - Change in Nonconforming Use:

- A) **Nonresidential Zones:** Within any nonresidential zone, a nonconforming use may be changed to a different nonconforming use by special use permit. In considering an application for a special use permit to change to a different nonconforming use, the Board shall find that the new use will be less nonconforming and less disruptive of the neighborhood land use pattern. A nonconforming use changed to a different nonconforming use by a special use permit may not be changed to another nonconforming use without the granting of another special use permit.
- B) **Residential Zones:** Within any residential zone, a nonconforming use may be changed to a different use which is allowed by special use permit in that zone. In considering the application, the Board shall consider but not be bound by any conditions required for the granting of that special use permit.

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

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

Section 420 - Variances for Maximum Height:

420.1 - Maximum Height in R-1, R-2, 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 ordinance by twenty-five percent (25%), but to no more than three-hundred (300) feet, whichever is less, provided the use of the building is in conformance with Article III.

Section 421 - Planned Development - Approval by City Plan Commission: A planned development or land development project, is a parcel or parcels of land, containing at least forty thousand (40,000) sq. ft. of land area, which is developed according to a plan and in accordance with this Section as a single entity. The planned development may contain one or more residential and/or commercial structures with appurtenant recreation buildings, common areas, open space and roadways. The purpose of a planned development is to allow for the creation of multifamily and mixed use developments through careful site planning.

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

421.2 - Preapplication Conference: A preapplication conference with the Commission's staff is required for land development proposals. A preapplication conference is intended to allow the Commission staff to:

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

- B) Suggest improvements to the proposed design on the basis of a review of the sketch plan;
- C) Advise the applicant to consult appropriate authorities on the character and adequacy of public utility services; and
- D) Help the applicant to understand the steps to be taken to receive approval.

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

- A) Scale: one inch equals fifty feet;
- B) Locus plan;
- C) North arrow;
- D) All existing structures and appurtenances on the proposed site;
- E) All proposed structures and uses, together with dimensions, setbacks from front, side and rear lot lines, parking, landscaped areas, open spaces and other appurtenances; and
- F) Adjacent parcels depicting existing land uses within a radius of 200 feet.

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

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

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

- A) the planned development will be in harmony with the character of the neighborhood; and
- B) the plans for the planned development are consistent with the Comprehensive Plan.

421.7 - Conveyance to City: Any open land provided by a land development project for public or common use, shall be conveyed to the City and accepted by it for park, open space, recreational, or other specified use or uses to be approved by the Commission. At the option of the Commission, the developer may convey the land to an approved non-profit organization, the principal purpose of which is the conservation of open space, or to a corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units. In any case,

where the land is not conveyed to the City, a restriction enforceable by the City shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway.

Section 422 - Residential Professional District - Purpose: The purpose of the residential professional district is to preserve and enhance the residential integrity of certain heavily 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 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, AO, AH, A1-A30, A99, B, C, D, V and V1-V30 as identified on the Flood Insurance Rate Maps (FIRM) Community Panel Numbers 445406 0001 through 445406 0010 inclusive, dated March 11, 1985 (as amended), prepared by the Federal Emergency Management Agency shall conform to the requirements of this Section. Said FIRM shall guide the Director in determining floor elevations and other flood protective and flood preventive requirements involved in the administration and enforcement of this ordinance and the Rhode Island Building Code.

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.
- B) All new construction shall be located landward of the reach of mean high tide in a Velocity Zone (V1-V30).
- C) Man-made alteration of sand dunes within a Velocity Zone (V1-V30) shall be prohibited.
- D) Any encroachment in the regulatory floodway as identified on the FIRM is prohibited. This includes fill, new construction, substantial improvements to existing structures and other development. However, encroachment in the regulatory floodway may be permitted if the applicant shall 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).

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.

ARTICLE V - SPECIAL ZONES

Section 500 - Purpose: The purpose of Special Zones is to establish overlay zoning districts, floating zones, and other special zones, as defined in this Ordinance.

Section 501 - Historic District - Purpose: Historic districts are overlay zoning districts which cover designated districts or structures in the City of Providence. The purposes of historic districts are to safeguard the heritage of the City by preserving designated districts and structures of historic or architectural value which reflect elements of Providence's cultural, social, economic, political, and architectural history; to stabilize and improve property values in such districts or designated structures; to maintain and foster civic beauty; to strengthen the local economy; and to promote the use of designated districts and structures for the education, pleasure and welfare of the citizens. An historic district may include properties associated with broad patterns, events, and/or people significant in local, state or national history; which embody the distinctive characteristics of a broad range of building types and architectural styles and which may possess high artistic value and/or represent the work of a master builder, architect, landscape architect or other designer; and which lack individual distinction but which add to the Historic District Zone's status as a significant and distinguishable sociocultural entity.

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

- A) **Qualifications:** Members of the HDC shall have a demonstrated interest in historic preservation. The appointments may be drawn from but not be limited to the following professions and disciplines: American history, architectural history, landscape design, architecture, 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.

- 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-

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) Hearing: The HDC shall hold a public hearing on an application for a Certificate of Appropriateness. Notice of such hearing shall be given to all abutting property owners, at least seven (7) days prior to the public meeting, by regular mail. The applicant shall supply the HDC with a list of the names and addresses of all abutting property owners from the most current records of the City Tax Assessor.
- C) Filing Fee: An application for a Certificate of Appropriateness shall be accompanied by a filing fee as set by the City Council which shall be deposited with the City Collector and no part of which shall be returned to the applicant.

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

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

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

- A) Reapplication: An application for the same petition shall not be heard by the HDC for the period of one year from the date the original petition was denied. The HDC shall have the right to waive this requirement for any petition if a majority of the HDC present at a meeting agree.
- B) Ordinary Maintenance: A Certificate of Appropriateness may be issued by the HDC without a public hearing for ordinary maintenance or repair of any structure within an historic district provided that such maintenance or repair does not result in any change of design, type of material, or appearance of the structure or its appurtenances. The HDC may delegate to the staff the authority to approve and issue Certificates of Appropriateness in such circumstances.

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

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

- A) Structures Valuable to the City: In the case of an application for demolition of any structure, appurtenance or a portion of a structure which the HDC deems so valuable to the City, the State or the nation, that the loss thereof will be a great loss to the City, the State or the nation, the HDC shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure on its present site. The HDC shall issue a Certificate of Appropriateness only if the HDC is satisfied that the retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, including sale of the structure to any purchaser willing to preserve such structure.
- B) Structures Valuable for the Period: In the case of an application for demolition of any structure, appurtenance or a portion of a structure deemed to be valuable for the period of architecture which it represents and its importance to the neighborhood within which it exists, the HDC shall issue a Certificate of Appropriateness only if the HDC finds that at least one of the following exists:
 - 1. retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, includ-

- ing sale of the structure on its present site to any purchaser willing to preserve such structure; or
2. preservation of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community; or
 3. preservation of such structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including sale of the structure to any purchaser willing to preserve such structure; or
 4. preservation of such structure would not be in the interest of the majority of the community.

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

- A) Whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move and preserve such structure; and
- B) Whether the owner has made continuing, bona fide and reasonable efforts to sell the structure to any such purchaser willing to move and preserve such structure.

501.10 - Avoiding Demolition Through Owner Neglect: The City Council or its designee, in consultation with the HDC, may identify structures of historical or architectural value whose deteriorated physical condition endangers the preservation of such structure or its appurtenances. The Council or its designee shall publish standards for maintenance of properties within historic districts. Upon the petition of the HDC that a historic structure is so deteriorated that its preservation is endangered, the council or its designee may establish a reasonable time not less than thirty (30) days within which the owner must begin repairs. If the owner has not begun repairs within the allowed time, the Council or its designee shall hold a hearing at which the owner may appear and state his reasons for not commencing repairs. If the owner does not appear at the hearing or does not comply with the Council's or its designee's orders, the Council or its designee may cause the required repairs to be made at the expense of the City and cause a lien to be placed against the property for repayment. The HDC shall cooperate with and assist the City Council or its designee in exercising the provisions of this section.

501.11 - Emergency Demolition: In cases of fire, natural disaster or other event which causes the Director to order demolition immediately due to an imminent public safety hazard, the HDC may hold a special meeting with 48 hours notice, in accordance with the R.I. Open Meeting Law, to review an application for a Certificate of Appropriateness for demolition.

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

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

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

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

1. Regulate Development in the Downcity District: The DRC shall be authorized to regulate all improvements on public and private land in the district including the construction, reconstruction, alteration, repair, demolition, removal, rehabilitation of the exterior of new and existing buildings and appurtenances except as otherwise provided in this ordinance. Any property located in the District that is also located in the Capital Center Special Development District established in accordance with 2-361 through 365 of the City Code of Ordinances, shall be governed by the rules and regulations of the Special Development District and shall be exempt from this section until such time that the Special Development District ceases to operate.
2. Waivers: Where specifically authorized by this Section, the DRC may grant waivers to those regulations that carry out the purpose of the Downcity District; are in harmony with the general purposes and intent of these regulations; and, are in accordance with the requirements of this Section. The DRC may impose such conditions deemed necessary to carry out the purpose of this Section.
3. Adoption of Rules: The DRC shall adopt and publish all rules necessary to carry out its functions under the provisions of this section.

B) Membership:

1. Members: The members of the DRC should consist of people who have demonstrated interest and commitment to the vision and historic character of Downtown. The DRC shall consist of five (5) members. Four (4) members shall be appointed by the Mayor as follows: one (1) registered Rhode Island architect, one (1) property owner in the District, one (1) developer, real estate agent or builder, and one (1) general member who is a resident of the city. The chair of the HDC or a member of the HDC appointed by the chair shall be the fifth member of the DRC. When the DRC is first established, the Mayor shall appoint two (2) members for one (1) year and two (2) members for two (2) years. The appointee of the HDC chair shall serve for three (3) years. Members shall afterward be appointed for three year terms.
2. Alternate Members: The Mayor shall appoint the first alternate member who shall be a registered Rhode Island architect or landscape architect. The chair of the HDC shall appoint the second alternate member who shall be a resident of the city. Each shall be appointed for a one (1) year term and shall sit and may actively participate in hearings. The first alternate shall vote if one member is unable to serve at a hearing and the second alternate shall vote if two members of the board are unable to serve at a hearing.
3. Vacancy: In the event of a vacancy, the vacancy shall be filled in accordance with the original appointments to fill the unexpired term(s). Vacancies shall be filled within ninety (90) days.
4. Organization: The Mayor shall appoint a chair. The DRC shall elect from its members a vice chair. The Department of Planning and Development shall assign staff to support and work with the DRC.

C) Conduct of Business: The Chair shall preside over all DRC meetings and shall have the right to vote. The Vice Chair shall, in the case of absence or disability of the Chair, perform the duties of the Chair. All meetings of the DRC shall be open to the public.

1. Quorum: Five (5) members shall constitute a quorum for business to be conducted before the DRC.
2. Required Vote: The concurring vote of three (3) members of the DRC shall be necessary to approve an application. The concurring vote of four (4) members shall be necessary to grant a waiver.
3. Public Hearing: The DRC shall hold a public hearing on any request for a waiver in accordance with Article IX of this ordinance.
4. Record: The DRC shall keep a record of all proceedings, findings, decisions and actions and such record shall be open to the public. All decisions evidencing the granting of a waiver shall be recorded by the applicant in the Land Evidence Records of the City. Failure by the applicant to file the decision within thirty (30) days after its issuance shall cause said decision to automatically become null and void.

D) Procedures for Design Approval:

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

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

No DRC approval shall be necessary for the following:

- i. work meant to remedy damage or deterioration of a structure or its appurtenances, which involves no change in type of materials, dimensions, design, configuration, texture or visual appearance;
 - ii. the painting of previously painted surfaces;
 - iii. the installation of traffic signage, 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. The DRC may authorize staff to make determinations for repairs (except for replacements in kind as noted above), alterations and minor additions. A determination shall be made within thirty (30) business days of receipt of a complete application. Staff determinations shall be completed within fifteen (15) business days of receipt of a complete application. These time periods may be extended by mutual agreement between the Applicant and the DRC or staff. In the event that the DRC shall make a written determination within the thirty (30) day period that a particular application requires further time for additional study and information, then the DRC shall have a period of up to ninety (90) business days from the date of acceptance of a complete application within which to act on such application. Nothing in this section shall be construed to prevent the applicant and the DRC from mutually agreeing on an extension beyond the ninety (90) days.
 3. Failure to Act: The failure of the DRC or its staff to act within thirty (30) business days from the date of filing a complete application shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the DRC or its staff.
 4. Determination: 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: Whenever an application requests a waiver to the regulations of this section, a public hearing shall be held in conformance with Section 903.
6. Accept Advice from Other Agencies: In order to assist in its review of plans, the DRC may request the HDC or other agencies to review and comment on proposals.
7. Appeals: Any person aggrieved by a decision of the DRC may appeal that decision to the Board in accordance with Section 902 of this ordinance.
8. Enforcement: This section shall be enforced in accordance with Article VIII of this Ordinance.
9. Filing Fees: Any application for DRC approval shall be accompanied by a filing fee as set by the Council which shall be deposited with the City Collector. No part of said fee shall be refunded to the applicant.

502.2 - Downcity District - General Regulations:

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

TABLE 502.2

USES	A STREETS		B STREETS	
	FIRST FLOOR	UPPER FLOORS	FIRST FLOOR	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.
6. Where a parking lot is permitted along a B Street, a streetwall shall be built along the property line where deemed necessary by the DRC.

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

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

1. Freestanding signs, permanent or temporary, shall not be permitted in D-1 Zones, except for parking uses.
2. Permanent freestanding signs may be permitted in D-2 Zones, with limitations indicated below.

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

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	0
Roof	128 sq. ft.	12' above roof	0	0
Wall	2'1" of building frontage	-	-	1.25 feet

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

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

1. One (1) shade tree for every thirty (30) feet or fraction thereof in planting areas of the size approved by the city forester. The tree shall be a minimum of fifteen (15) feet in height and have at least a three and one-half (3-1/2) inch caliper.
2. A streetwall of a maximum total height of eight (8) feet, or hedge maintained at least thirty (30) inches in height above grade, to form a visual screen.
 - a. When a streetwall is used, it shall be of masonry or similar material up to three (3) feet in height, set in the middle of the landscape strip, and shall have openings along said streetwall which shall be not less than thirty (30) inches wide and not more than thirty (30) feet apart. The streetwall shall be topped with a decorative metal fence of at least three (3) feet in height. In order to break the visual monotony of a streetwall, at least one shrub or vine shall be planted abutting the wall approximately every ten (10) feet. The DRC may grant a waiver to the shrub and vine requirement if the streetwall has significant design variation.

- b. Evergreen shrubs, a minimum of twenty four (24) inches in height above grade at the time of planting, shall be used to form hedges and shall be spaced not more than thirty six (36) inches apart and maintained so as to form a continuous screen thirty (30) inches in height above grade, under normal growing conditions, within one (1) year after planting.
3. The remainder of the landscape area shall be planted with ground cover, low shrubs or flowering plants.
- E) Landscaping - Contiguous Properties: Landscaping shall be provided between parking lots and contiguous properties and shall be approved by the DRC and shall be maintained in accordance with Section 705.6. A landscaped area between the common property line and the parking lot shall contain either:
1. A masonry streetwall or opaque fence of at least five (5) feet in height located in a three (3) foot wide landscape area. Shade trees shall be planted every thirty five (35) feet or fraction thereof in planting areas. The tree shall be a minimum of fifteen (15) feet in height and have at least a three and one-half (3-1/2) inch caliper. In order to break the visual monotony of a streetwall, at least one shrub or vine shall be planted abutting the wall approximately every ten (10) feet.
 2. A durable evergreen landscape screen not less than four (4) feet in height above grade when planted, in a landscape area not less than five (5) feet wide. The evergreens shall grow at least to five (5) feet within one (1) year.
- F) Parking: Parking in the District shall conform to the requirements of Article VII Parking and Loading of this ordinance. However, parking is not required for newly constructed buildings on an individual lot with a gross floor area of less than five thousand (5,000) square feet.
- G) Loading: Interior off street loading, in accordance with Section 708, shall be provided but shall not be permitted on an A Street. The DRC may grant a waiver to this requirement provided that provision is made for the delivery of goods that will not interfere with the daily vehicular or pedestrian flow of the district.

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

- A) A Streets: These standards are intended to preserve and restore the architectural integrity and historic character of buildings in the district. The existing scale and proportions of buildings and streetscapes shall be preserved. The DRC shall review:
1. The preservation, repair or replacement of building features using the Secretary of Interior Standards for Rehabilitation as guidelines.

2. Storefronts - Existing structures which have been designed for retail use on the first floor shall retain this design. Where such design no longer exists but would be compatible with the character of the building, rehabilitation shall be designed to permit retail uses on the first floor.
 3. The restoration or reconstruction of a building which has been altered through the years. The DRC should consider pictorial, documentary or physical evidence of the original configuration when reviewing applications.
 4. New additions, exterior alterations, or related new construction using the Secretary of Interior Standards as guidelines.
 5. The transparency of existing buildings along retail frontages. Transparency along retail frontages shall continue and shall not be decreased. Renovations of the first floor of existing buildings shall not decrease the area of transparency and if the transparency area is less than 70% of the wall area, shall increase the amount of transparency in accordance with requirements for new construction. All buildings shall meet this requirement unless the original historic character of the building requires less transparency area.
 6. The design of all awnings to insure that the design is in character with the building.
 7. The lighting of building facades to insure that the fixtures are small, shielded and directed toward the building. Electrical conduit and junction boxes shall be located so as to minimize, or if possible, eliminate their visibility from the public way.
 8. The installation of security devices to insure that they are designed so as not to impact the historic quality of the building.
- B) B Streets: In the rehabilitation of buildings on B Streets every effort shall be made to maintain the urban fabric and the historic character of buildings. There shall be no development standards and no DRC review for existing buildings on B Streets; refer to Section 502.5 for demolition provisions. However, the significant historic buildings designated on the Overlay Zoning Maps shall be subject to all the requirements for buildings located on A Streets.

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

A) A Streets - Minimum Standards: The following are minimum standards for all new construction:

1. Building Height:
 - a. Buildings shall be at least three (3) stories in height. The DRC may grant a waiver to allow a building of two (2) stories (24 feet).

Building height and massing shall relate to adjacent structures and the existing vertical proportions of downtown buildings. First floors shall be a minimum 12 feet floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height.

- b. Buildings over six (6) stories shall have a recess line of at least ten (10) feet. The DRC may grant a waiver to allow a building in excess of six (6) stories (within the height limit) without a recess line if it is determined that the building can exist compatibly with neighboring buildings. In such cases, a transition line may be required.
2. Building Facades:
 - a. Building facades shall be built on the street line.
 - i. Where the lot frontage is curved, the facade shall follow. The DRC may grant a waiver to permit the building to be built on the chord or the tangent.
 - ii. Buildings shall have their main entrance from a sidewalk on the A Street.
 - iii. A waiver may be granted by the DRC to allow 20% of the lot frontage to be set back from the street line or left open to form a court yard.
 - iv. Where nonconforming setbacks exist on adjacent buildings, a waiver to building setback may be granted by the DRC.
 - b. A building facade shall have a transition line. Transition lines shall be designed in proportion to the overall height and mass of the proposed building, creating a distinction between upper and lower (i.e. first, or first and second) stories. Transition lines shall relate to existing adjoining buildings.
 - c. A building shall have a roof line. Roof lines shall be designed in proportion to the overall height and mass of the proposed building, creating a distinction between the top of the building and the lower floors. Roof lines shall relate to existing adjoining buildings.
 3. Transparency - All new construction along A Streets shall provide areas of transparency equal to 70% of the wall area, between the height of 2 and 8 feet from the ground, of each exterior wall. Blank walls shall be separated by areas of transparency of at least 3 feet in width.
 4. Windows shall only be of clear or lightly tinted glass. The percentage of glazed area and all other openings of a facade shall be calculated from above the transition line, but as a maximum shall be fifty (50) percent of the facade area. No curtain walls will be permitted on A Street frontages. Window proportions shall be square or vertical and shall be recessed at least four (4) inches from the plane of the facade.

5. The primary building materials on the facade shall be brick, lime stone, sandstone, granite, terra cotta, cast stone or other similar material. The DRC shall review the proposed material for compatibility with the existing streetscape.
- B) B Streets - Minimum Standards: The DRC shall only consider massing, siting and proportions of new construction and its impact on an adjacent historic structure when performing a review. The following standards shall apply:
1. Where new construction abuts one or more shorter historic buildings, recess lines shall be provided to a depth of at least ten (10) feet, so that the new, taller building can exist without dwarfing adjacent historic buildings. If new construction does not abut historic buildings, no recess lines are required.
 2. All buildings shall align with adjacent buildings. In the event an adjacent building is setback from the street line, the DRC may allow the new building to setback so as to align with the adjacent building(s).
 3. Along retail frontages, all new construction shall provide areas of transparency equal to 70% of the wall area, between the height of 2 and 8 feet from the ground, of each exterior wall. Blank walls shall be separated by areas of transparency of at least 3 feet in width. Loading areas are permitted.
 4. Buildings on B Streets shall have their main entrance from a sidewalk on the street.

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

- A. Review of Application - In reviewing the application for demolition, the DRC shall consider the architectural quality of the existing building, regardless of condition; the historic value of the building; the feasibility of renovating and reusing the existing building; and, the quality of the new building to be constructed, if demolition is approved. It shall be the burden of the property owner to prove that there are no prudent nor feasible alternatives to demolition. In addition, the DRC shall find that the following conditions are met:
1. The proposed reuse of the site is a permitted use for the D Zone and in accordance with Section 502.2.
 2. Plans for the new building to be constructed, once the original building is demolished, have been approved by the DRC, fire marshal, Director and all other approvals are received.
 3. No interim use(s) shall be permitted on the parcel and construction of the new facility shall begin within ninety (90) days of demolition.

- B. Referral to HDC: All applications for demolition shall be forwarded to the HDC for review and recommendation. The DRC shall consider, but is not bound by the recommendation.
- C. Grant of Demolition: If the DRC grants the waiver authorizing the demolition of the building, the Director shall not issue a demolition permit until the applicant demonstrates to the DRC adequate financial ability to demolish the existing structure and construct the new approved building. Prior to issuing the demolition permit, the Director shall record a lien on the land evidence records against the property limiting its use to the building which has been approved by the DRC. Any change in plans will require a new application to the DRC for approval.
- D. Emergency Demolition: If a building presents a threat to safety, the Director may order its demolition without DRC approval. However, the Director shall record a lien on the land evidence records against the property limiting its use to that which is permitted by Section 502.2 of this ordinance and has been approved by the DRC.

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

- A) sets forth a design theme that addresses the purposes of the Downcity District;
- B) identifies A Streets and Retail Frontages and sets forth in the plan how buildings along these streets will be constructed or reconstructed to address these restrictions;
- C) identifies all buildings proposed for demolition and the proposed use of the property after demolition;
- D) identifies all buildings individually listed on the National Register of Historic Places and identifies in the plan any proposed construction or reconstruction to that building(s); and,
- E) the plan is approved by the commission after review and comment from the DRC.

The Director shall issue no building permit for an I-3 use in the Downcity District until the DRC or its staff advises the Director that:

- A) The Institutional Master Plan has been approved by the Commission as being in conformance with the requirements of this Section and Section 503.3, and
- B) The Project conforms to the provisions of the approved Institutional Master Plan.

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

502.7 - Downcity Incentives - Purpose: The purpose of these incentives is to encourage development that will be compatible with the character of Downcity and carry out the goals of the comprehensive plan. These regulations are designed to foster and promote in

the Downcity preservation of historic properties, first floor retail activity, pedestrian access and convenience, the arts and housing.

- A) Basic Requirements: All development in the D Zones shall conform to the use, density, bulk, parking, design review and other applicable requirements of the Providence Zoning Ordinance and in particular the requirements of the Downcity District.
- B) Incentives - General: Two types of incentives are permitted to encourage development that is compatible with the goals of the comprehensive plan: bonuses and transfer of development rights. These incentives are permitted only in the Downcity District as identified on the Providence Overlay Zoning Maps and in accordance with the requirements of this section.
- C) Bonus Eligibility: A project shall be eligible for a bonus of either increased building height or dwelling unit density if space is provided within the project for the uses, improvements or facilities set forth below. Only one bonus may be applied per project. Before granting the bonuses for uses described in (1) and (2) below, a lien shall be filed against the property with the Recorder of Deeds providing that such uses shall remain in effect for five (5) years from the date of recording.
1. Retail Uses: Uses permitted by Use Codes 42, 56 and 57 and permitted in the Downcity District and located within Retail Frontage areas as designated on the Overlay Zoning District Maps. A minimum of one half of the lot area shall be dedicated on the first floor to retail use to qualify for a bonus.
 2. Cultural or Entertainment Facility: These facilities shall be open to the public on a regular basis and shall be limited to visual art space and performing art space.
 - a. Visual Art Space: Facilities that provide space for the visual arts, including but not limited to exhibition halls and galleries which are visible from and directly accessible to pedestrian circulation.
 - b. Performing Art Space: Facilities that provide space for the performing arts, including but not limited to concert halls and theaters, which are visible and accessible to pedestrian circulation. This bonus can only be received if: provisions are made to have the space available for use by arts groups at affordable rates; the space is open for public view of performances for a number of days equal to at least a quarter of the year; and the space shall be large enough to seat at least 50 people.
 3. Cultural/Entertainment Fund: A payment in lieu of improvements may be made to a fund which shall be available to small visual and performing arts organizations to establish permanent performance and office space in the downtown. Funds derived from such payments shall be deposited by the City in a special revolving fund and shall be used exclusively for the purpose of purchasing and renovating performance and office space for arts organizations. The DRC shall develop regulations governing the distribution of funds and shall submit same to the Council for adoption as an ordinance.

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

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

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

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

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

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

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

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

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

- E) Incentives - Transfer of Development Rights: Development rights may be transferred from a building listed in the National Register of Historic Places for which the applicant donates a preservation restriction whose purpose is the preservation of the exterior of the building as of the date of the conveyance of such restriction to the Rhode Island Historical Preservation Commission. Structures on sending lots shall be restored and maintained as required by the DRC.
1. Standards: The gross building height that may be transferred from any sending lot to a receiving lot shall be the difference between the permitted zoning height as detailed on the Official Zoning Map of the city and the height of the existing building on the date of the transfer but in no case shall the receiving lot building height exceed the lesser of three hundred (300) feet or 1.6 times the permitted zoning height.
 2. Transfer of Development Rights Agreement: The fee owners of sending and receiving lots shall execute a deed or other agreement which shall be recorded with the title to both lots. This agreement or deed shall be for a term which equals or exceeds the life of the project on the receiving lot for which the rights were transferred. The agreement or deed shall state that the development rights transferred from the sending lot to the receiving lot may not be reclaimed unless the project on the receiving lot or that portion of the project for which the rights were transferred is demolished. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by any party or by the city.
- F) Bonuses, Continuing Character of Obligations: Where a bonus is granted, the applicant shall covenant to ensure the continued use of the use, facility or improvement for the purposes for which the bonus was granted. The covenant shall be for a term of twenty (20) years, unless the DRC specifically finds that another period of time would be in accordance with the purposes of this section. Such covenant shall be recorded on the land evidence records and shall run with the land.
- G) Changes: Any changes to the plan approved in accordance with the provisions of this section shall be considered a new application.

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

503.1 - Institutional Floating Zone Districts - Adoption:

- A) Existing Institutional Uses: It is hereby recognized that medical and higher education institutions exist in the city. In order to recognize this existing development and to permit these institutions to grow and expand, I-1 Health Care Institution, I-2 Educational Institution and I-3 Downtown Educational Institution Floating Zones are created and have been mapped on the Providence Overlay Zoning Dis-

trict 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.

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.
 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:
 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.

ARTICLE VI - SIGNS

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

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

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

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

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

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

602.4 - Credit Card Signs: Credit card signs, 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:

- 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).

603.3 - Billboards:

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

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

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

604.3 - Freestanding Sign: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure, but not any kind of antenna) that is not itself an integral part of or attached to a building. A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign. All permanently installed freestanding signs shall be protected from vehicular circulation and parking areas and shall be permitted only on lots with 100 feet or more of street frontage. For drive in uses, one (1) menu board sign, which shall conform to the size requirements for a freestanding sign, may be permitted in addition to a permitted freestanding sign.

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

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

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

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

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

605.1 - Area: Measured in square feet, the entire area within a square, rectangle, circle, triangle or any other polygon enclosing the extreme limits of graphic, writing or similar representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of the one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

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

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

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

605.5 - Maximum Permitted Sign Area: In all Zones but the R Zone, the maximum permitted area for signs on a building shall be based on the building frontage. In buildings with more than one tenant, each tenant's sign shall be based on the building frontage of each individual tenant space, as long as the total area of all signs on the building does not exceed the total allowable. Where a building fronts on two or more streets, the total area for signs for each street frontage shall be based on the building frontage for that street. For gas stations, street frontage shall be used to calculate the permitted total area of signs as permitted in the tables. For any drive-in business that has a booth for employees only with no public access, including a gas station, the maximum area of signs shall be based on the street frontage, and on a corner lot, only one street frontage shall be used to calculate maximum sign area.

Section 606 - Illumination:

606.1 - Externally Illuminated Sign: Any sign which is illuminated by a light that reflects off the surface of the sign from an external source, shall be considered an externally illuminated sign.

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

Section 607 - Permitted Signs by Zone:

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

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	4	-	5	0
Freestanding 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. 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.

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: See Section 502.2 (C) of this Ordinance for sign regulations in D Zones.

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

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	4/1'of building frontage	-	-	unrestricted
Freestanding 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%

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
15	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
15.3	Nursing Home	1 per every 2 beds
15.4	Orphanage	1 per 5 employees
15.5 thru 15.6	Religious Quarters/Group Quarters	1 per 5 employees & 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
16.5	Tourist Home	1 per guest room of suite
17	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.
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

USE CODE	USE	PARKING SPACES
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
	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

USE CODE	USE	PARKING SPACES
	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
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
57.2	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

USE CODE	USE	PARKING SPACES
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 - See Section 502 for landscaping requirements in D Zones.

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

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

Section 706 - Supplementary Parking Regulations:

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

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

706.3 - Parking Not Required: Where a lot abuts upon a street or place which, due to topographic conditions or excessive grades, is not accessible by vehicle, and such lot is to be occupied by not more than a one-family dwelling, no parking space shall be required.

706.4 - Non-Contiguous Parking: Off-street parking requirements may be provided on a 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 904 of this ordinance, the following:

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

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 5,000 sq. ft. to 25,000 sq. ft. of GFA and 1 additional space for every 50,000 sq. ft. GFA or fraction thereof in excess of 25,000 sq. ft.

708.3 - Size of Required Loading Spaces: Each off street loading space shall consist of the following dimensions: Length - 55 feet; Width - 12 feet; and Clearance - 14 feet.

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

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 by 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

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

1000.19 - Basement: That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having more than one half of its height above the average elevation of the finished lot grade adjoining the building.

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

1000.21 - Billboard: A sign advertising products, goods, services, facilities, events or attractions not made, sold, used, served or available on the premises displaying such sign or a sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

1000.22 - Block Frontage: All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of dead-end street or City boundary measured along the street line.

1000.23 - Board: The Zoning Board of Review of the City of Providence.

1000.24 - Boarding Houses: A building where lodging is supplied with or without meals and the operator resides on the premises. An apartment for the operator of such a facility shall be permitted and not included in the total calculation of rooms permitted.

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

1000.26 - Building: Any structure used or intended for supporting or sheltering any use or occupancy. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

1000.27 - Building, Accessory: A subordinate building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building.

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

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

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

1000.31 - Building Height: The vertical distance measured from grade to the top of the highest point of the roof structure. The distance shall exclude spires, chimneys, flag poles, and the like.

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

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

1000.34 - Cellar: That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having less than one half its height above the average elevation of the finished lot grade adjoining the building.

1000.35 - Cemetery: Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

1000.36 - City: The City of Providence.

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

1000.38 - Commission: The City Plan Commission of the City of Providence.

1000.39 - Common Ownership: Either:

- A) Ownership by one or more individuals or entities in any form of ownership of two (2) or more contiguous lots; or
- B) Ownership by any association (such ownership may also include a municipality) of one or more lots under specific development techniques.

1000.40 - Community Center: A building or group of buildings whose sole purpose is to house a nonprofit service, fraternal, or sectarian organization including administrative offices, child and elderly programs, recreation and assembly.

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

- (a) Whenever six (6) or fewer retarded children or adults reside in any type of residence in the community, as licensed by the state pursuant to chapter 24 of title 40.1 of the General Laws of Rhode Island. All requirements pertaining to this Zoning Ordinance are waived for these community residences;
- (b) A group home providing care or supervision, or both, to not more than eight (8) mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to chapter 24 of title 40.1 of the General Laws of Rhode Island;
- (c) A residence for children providing care or supervision, or both, to not more than eight (8) children including those of the care giver 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.

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

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

1000.44 - Construction: The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including but not limited to buildings, extensions, outbuildings, fire escapes, and retaining walls.

1000.45 - Council: The City Council of the City of Providence.

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

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

1000.48 Days: Calendar days.

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

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

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

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

1000.53 - Director: The Director of the Department of Inspection and Standards of the City of Providence.

1000.54 - District: See "zoning use district."

1000.55 - Dormitory: A building used as rooming units for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institution.

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

1000.57 - Dwelling: A building or portion thereof used exclusively for residential occupancy by one or more families but not including hotels, rooming housing, group quarters or temporary lodging.

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

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

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

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

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

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

1000.64 - Educational Institution: Preprimary, primary or grammar, public, parochial or private school; high school, or preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation for admission to colleges or universities which award B.A. or B.S. degrees; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders.

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

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

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

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

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

1000.70 - GFA - Gross Floor Area: The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor to ceiling height is less than six feet.

1000.71 - Garage, Parking: Any building, except those herein defined as a private garage, used for parking of vehicles, and with not more than two pumps for the incidental sale of

gasoline. Such buildings may include stores and other commercial establishments providing they conform to all the regulations of the zone in which they are located.

1000.72 - Garage, Private: A detached accessory building or portion of a principal building, used for the storage of vehicles where the capacity does not exceed one vehicle for each 2,500 square feet of lot area, but in no case need be less than 2 vehicles.

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

1000.74 - Gasoline Service Station: A building or portion of a building, in which automotive repairs or services are performed; fuel, oil, batteries and accessories are sold; grease racks, elevators and tire mounting devices are employed; but excluding automobile body repairing and painting and automotive body parts.

1000.75 - Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

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

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

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

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

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

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

- (a) A family, which may also include servants and employees living with the family; or
- (b) A person or group of not more than three (3) unrelated persons living together.

1000.82 - Hospital: An institution licensed by the State of Rhode Island to provide primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out patient facilities or training facilities.

1000.83 - Hotel/Motel: A building or portion thereof where temporary lodging is supplied and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.

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

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

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

1000.87 - Junk Yard, Including Auto Wrecking: A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

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

1000.89 - Less Restrictive Zone: A Zone in which the uses that are permitted are allowed at a higher density and are more noxious. The order of Zones from more restrictive to less restrictive is: OS, PS, R-1, R-2, R-3, R-G, R-M, R-P, C-1, W-1, C-2, C-4, D-1, D-2, W-2, M-1, W-3, M-2.

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

1000.91 - Loft, Commercial Artist: Commercial artist loft space used, or designed to be used by artists or craftspeople to create works of art or crafts, and which may also be used by such artists or craftspeople to reside in. Such residency shall be limited to one household per dwelling unit. Works of art or craft shall mean items that are created primarily for purposes of aesthetic enjoyment, and not solely for practical purpose, including but not necessarily limited to, paintings, drawings, lithographs, and other similar media; sculpture, using a variety of two dimensional representations; photographs, film, video, prints and other visual 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.

1000.92 - Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title and fronts on a street.

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

1000.94 - Lot, Corner: A lot at the junction of and fronting on two or more intersecting streets both of which are 20 feet or more in width.

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

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

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

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

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

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

1000.101 - Mobile Home: A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent slab foundation.

1000.102 - More Restrictive Zone: A Zone in which the uses that are permitted are allowed at a lower density and are less noxious. The order of Zones from more restrictive to less restrictive is: OS, PS, R-1, R-2, R-3, R-G, R-M, R-P, C-1, W-1, C-2, C-4, D-1, D-2, W-2, M-1, W-3, M-2.

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

1000.104 - Owner: Any person, agent, firm or corporation who, alone, jointly, severally or jointly and severally with others: a) shall have legal or record title to any property; or b) shall have charge, care or control of any property as agent, executor, administrator, trustee or guardian.

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

1000.106 - Parking, Accessory Use: Off-street parking of automobiles on the same or contiguous lot as a principal use where said parking is established or required in conjunction with the principal use.

1000.107 - Parking, Principal Use: Off-Street parking of automobiles on one or more lots where parking spaces for more than four (4) automobiles are available for public use whether free, for compensation or to satisfy parking requirements of a principal use on separate and noncontiguous lots.

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

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

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

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

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

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

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

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

1000.116 - Rooming Houses: A building where lodging is supplied.

1000.117 - Rooming Unit: A room or suite of rooms having an independent means of access within a building, with facilities intended for sleeping and living, with or without individual sanitation, and without cooking facilities.

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

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

1000.120 - Sign: Any advertisement, announcement, direction or communication designed to attract attention, produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on or in any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on or in any building, structure or surface.

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

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

1000.123 - Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement may be counted as a story but a cellar shall not be so counted.

1000.124 - Street: A public way established by or maintained under public authority, a private way open for public uses, and a private way plotted or laid out for ultimate public use, whether or not constructed.

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

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

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

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

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

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

1000.131 - Trade or Business School: Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include Educational Institution as defined in this Section.

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

1000.133 - Transitional Housing: Group quarters in which individuals live while receiving physical, social or psychological treatment and counseling to assist them in overcoming physical or emotional problems.

1000.134 - Transparency: An area along an exterior wall of a building, consisting of clear or lightly-tinted glass, with a light transmittance of no less than 50%.

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

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

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

- A) Use Variance. Permission to depart from the use requirements of this zoning ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this zoning ordinance.
- B) Dimensional Variance. Permission to depart from the dimensional requirements of this zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

1000.138 - Vehicle, Commercial: Automotive vehicle used for commercial transportation purposes, including pickup truck, truck (all types and weight), van used for delivery and service, tractor-trailer, garbage pickup or dump truck, dumpster truck, similar type vehicle.

1000.139 - Vehicle: Automotive vehicle used for private, noncommercial transportation purposes, including automobile (all types of sedan and station-wagon), motorcycle, van, mini-van, recreational vehicle (RV), four-wheel drive (or off-road) vehicle, small pickup truck, and similar type vehicle.

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

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

1000.142 - Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

1000.143 - Yard, Rear: A yard extending across the full width of the lot between the rear most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

1000.144 - Yard, Side: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

1000.145 - Yard: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Ordinance.

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

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

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

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

1000.150 Zoning Use Districts: The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. The districts include, but are not limited to: commercial, industrial, institutional, open space, and residential. Each district may include sub-districts. Districts may be combined.

ARTICLE XI AMENDMENTS AND VALIDITY

Section 1100 - Procedure: This Ordinance may, from time to time, be amended or repealed as provided in Section 45-24-51 of the General Laws of Rhode Island (as amended). Other than for proposals originated by the Council, the City Clerk shall be the designated officer to receive a proposal for adoption, amendment or repeal of any or all parts of this Ordinance and the Zoning Map. Immediately upon receipt of the proposal, the City Clerk shall refer the proposal to the Council and Commission for study and recommendation. The Commission shall, in turn, notify and seek the advice of the Department of Planning and Development and shall report to the Council within forty-five (45) days after receipt of the proposal, giving its findings and recommendations as prescribed in Section 1101. Where a proposal for adoption, amendment, or repeal of this Ordinance or Zoning Map is made by the Commission, the requirements for study by the Commission is waived, provided that the proposal by the Commission include its findings and recommendations pursuant to Section 1101. The Council shall hold a public hearing within sixty-five (65) days of receipt of a proposal, giving proper notice as prescribed in section 1102. The Council shall render a decision 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 newspa-

per 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
- 15.6 Community Residence
See Definitions
- 15.7 Group Quarters, With No Medical Treatment, More than 8 Residents.
- 15.8 Group Quarters, With Medical Treatment
transitional housing
- 16 Temporary Lodging, 10 rooming units or less
Tourist home, bed and breakfast, hotel, and motel
- 16.1 Temporary Lodging, 11 to 29 rooming units
hotel, and motel
- 16.2 Temporary Lodging, more than 30 rooming units
hotel and motel
- 16.3 Temporary Lodging with supervision, 15 residents or less
rescue mission, homeless shelter, drop in center

- 16.4 Temporary Lodging with supervision, more than 15 residents
rescue mission, homeless shelter, drop in center
- 16.5 Tourist Home/Bed and Breakfast, 5 Guest Rooms or Less
- 17 Other Residential
mobile home, mobile home park, trailer park

2.0 INSTITUTIONAL AND GOVERNMENTAL SERVICES

- 21 Educational Institution, (Primary through Secondary Schools Grades 0-12) Classrooms, Office and Assembly Use
classroom, lecture hall, and other facilities for instructional purposes; laboratory facility for teaching and research; radio station; administrative office, including academic and business offices, security office, book store; theater with no public assembly, dance studio; residence hall, dormitory, dining hall, and cafeteria; maintenance facility, workshop, garage, repair facility, and power plant; not including trade or business school: vocational and trade skills in automotive, construction, metallurgical, chemical and similar industrial operations (see uses 45, 47, and all 70's and 80's)
- 21.1 Higher Educational Institution (Grades 13 and up) - Classroom, Office and Assembly Use
classroom, lecture hall, and other facilities for instructional purposes; laboratory facility for teaching and research; radio station; administrative office, including academic and business offices, security office, book store; theater with no public assembly, dance studio; residence hall, dormitory, dining hall, and cafeteria; maintenance facility, workshop, garage, repair facility, and power plant; not 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
facility not owned by or operated in conjunction with a hospital
- 24.5 Medical or Dental Office
building occupied by physicians, surgeons, dentists, nurses or other medical, paramedical and para-dental personnel, not owned by or operated in conjunction with a hospital
- 25 Local and State Government
local and state administrative or legislative office and chamber, armory, judicial office or court, state police station with accessory use
- 25.1 Prison or Correctional Institution
- 25.2 Municipal Fire and Police Station
- 26 Day Care Home
Family Day Care Home (See Definitions)
- 26.1 Day Care Center, 7 to 12 people
Any other day care center which is not a family day care home
- 26.2 Day Care Center, more than 12 people
Any other day care center which is not a family day care home
- 27 Service organization
business, professional and labor organization; civic, social, fraternal and service association; welfare, philanthropic and charitable institution; sorority and fraternity; and other miscellaneous services
- 28 Cemetery
cemetery, historic cemetery, memorial park but not including funeral homes
- 3.0 *CULTURAL ENTERTAINMENT AND RECREATION SERVICES*
- 31 Non-Profit Library, Museum and Art Gallery
- 32 Spectator Assembly
auditorium, exhibition hall, sports arena (not race track, see '32.1), stadium, and theater; outdoor sports facility, including gymnasium for athletic events such as swimming, skating, tennis, football, baseball and other sports.
- 32.1 Race Track
- 32.2 Mini Cinema
cinema with one or more screens, with a total seating capacity not to exceed three hundred twenty (320) people, total self-contained as to projection booths, ticket sales and concession sales.
- 33 Outdoor Recreation Facility
camp ground, driving range, riding academy
- 33.1 Golf Course, Tennis Court and Country Club
- 33.2 Marina, Recreational Craft Only
- 33.3 Transient Amusement
circus and fair
- 33.4 Outdoor Entertainment
amusement park, drive in movie, fairground, miniature golf or similar uses
- 34 Indoor Sports Facility
bath house, public bathing, bowling, billiards and like sports; boxing arena; dance hall; gymnasium and indoor swimming pool; ice and roller skating rink; indoor tennis, squash and racquet ball court; video arcade, games of skill, shooting gallery
- 35 Non-Profit Community Park, and Playground
Neighborhood, Citywide and regional park (multipurpose, leisure and ornamental garden); playground or playfield
- 35.1 Non-Profit Community Center

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

4.0 GENERAL, SERVICES

- 41 Finance, Insurance and Real Estate Service
banking and bank-related functions, credit services, savings and loan association and credit union; insurance carrier, personal credit agency; real estate agent, real estate developer, security and commodity trading service
- 42 Personal Service
apparel repair, alteration and cleaning pickup service; barber and beauty service; funeral home; massage parlor, tanning salon; photographic service; self service laundry and drop-off cleaning service (maximum of two 60 pound dry cleaning machines allowed); shoe repair service
- 43 Limited Business Service
advertising agency; business office; credit reporting and collection service; interior designer; photocopy, duplication, mailing and stenographic service; private employment service; research and development of related activities; watch, clock and jewelry repair service
- 44 General Business Service
blue printing and copying service; building maintenance service; car washing; catering service; cleaning establishment, including on premises dry cleaning; news syndicate service; pawn shop; radio, TV, electrical, electronic and appliance repair service; upholstery or re-upholstery and furniture repair service; trade school for the instruction of general business service; and wholesale merchandise broker excluding wholesale storage
- 45 Repair Service
automobile service station, garage repair shop, lubrication shop, transmission shop, muffler and brake service; automobile re-upholstery and interior repair; trade school for the instruction of above repair services
- 46 Professional Service
architectural and engineering service; legal service; veterinarian service excluding the boarding of animals; trade or professional school for the instruction of professional service listed herein
- 46.1 Animal Hospital
- 47 Contract Construction Service
cabinet-making shop, carpentering service; electrical contractor; job shop; painting, paper hanging and decorating service;
- 48 Heavy Contract Construction Service
concrete, masonry or plastering service; general contract construction service; plumbing, heating and air conditioning service; roofing and sheet metal service; taxidermy establishment; well drilling service

5.0 TRADE

- 51 Wholesale Trade, within enclosed structure, (including accessory storage up to 3,000 sq. ft. of floor area)
building materials or lumber yard (retail also permitted), contractor's equipment rental, storage and maintenance; drugs, chemicals and allied products; durable goods

- and apparel; electrical and electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related products; household goods; machinery equipment and supplies; motor vehicles and automotive equipment
- 51.1 General Warehouse
- 52 Wholesale Trade and Outdoor Storage
boat storage; building materials or lumber yard (retail also permitted); contractor's equipment rental, storage and 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

- 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)

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