

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

200	RULES OF INTERPRETATION
201	DEFINITION OF GENERAL TERMS
202	RULES OF MEASUREMENT

200 RULES OF INTERPRETATION

The terms in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- a. The singular number includes the plural, and the plural the singular.
- b. The present tense includes the past and future tenses, and the future tense includes the present.
- c. The word “must,” “shall,” or “will” is mandatory, while the word “may” is permissive.
- d. The terms “must not,” “shall not,” “will not,” and “may not” are prohibiting.
- e. The masculine gender includes the feminine and neuter.
- f. Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Words not defined shall be interpreted in a manner that accomplishes the intent of this ordinance.
- g. The following abbreviations are used within this Ordinance:
 - i. "GFA" is an abbreviation for “gross floor area.”
 - ii. “ft” is an abbreviation for “feet.”
 - iii. “N/A” is an abbreviation for “not applicable.”
 - iv. "sf" is an abbreviation for “square feet.”
 - v. "SF" is an abbreviation for “single-family.”
 - vi. "2F" is an abbreviation for “two-family.”
 - vii. "3F" is an abbreviation for “three-family.”
 - viii. "RH" is an abbreviation for “rowhouse.”
 - ix. "MF" is an abbreviation for “multi-family.”

201 DEFINITION OF GENERAL TERMS

Abut. To share a common wall or lot line without being separated by a street or alley.

Abutter. One whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.

Accessibility Ramp. A ramp or similar structure that provides wheelchair or similar access to a structure.

Accessory Structure. A structure located on the same lot as the principal building, which may be detached or attached, that is incidental to the use of the principal building.

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 may be restricted to the same lot as the principal use. An accessory use is prohibited without the principal use to which it is related.

Adaptive Reuse. The conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

Addition/Enlargement. Construction that increases the size of a structure in terms of building footprint, height, or floor area.

Administrative Officer. [The municipal official\(s\) designated by the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23 to administer the land development and subdivision regulations, to review and approve qualified applications, and/or to coordinate with local boards and commissions, municipal staff, and state agencies.](#)

Aggrieved Party. An aggrieved party, in accordance with Rhode Island General Laws §45-24, is:

1. 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
2. Anyone requiring notice pursuant to Rhode Island General Laws §45-24.

Airport Hazard Area. Any area of land or water upon which an airport hazard might be established if not prevented as provided in Rhode Island General Laws Chapter 1-3.

Alley. A public right-of-way that normally affords a secondary means of access to abutting property.

Alteration. An action that changes one 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. A major alteration is a change in materials, design, dimensions, configuration, texture, and visual appearance, which will permanently affect the integrity or character of a structure. A minor alteration is a reversible change that will not permanently affect the integrity or character of a structure.

Amateur (HAM) Radio Equipment. An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Apiary. A structure for the keeping of honeybees.

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

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.

Appurtenance. Features other than principal or accessory structures which contribute to the exterior appearance of a property including but not limited to paving, doors, windows, signs, materials, decorative accessories, fences, and landscape features.

Aquaculture/Aquaponics. A structure designed for the farming of aquatic organisms such as fish, crustaceans, mollusks, and aquatic plants under controlled conditions

Arbor. A freestanding structure to support vines or trained climbing plants.

Architectural Feature. A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Areaway. A space below finished grade affording access, air, and light to a basement or cellar.

Attention Getting Device. Sails, pennants, and similar devices or ornamentations designed to attract attention. Flags of nations, states, and cities, or fraternal, religious and civic organizations, permanent commercial flags, or temporary holiday decorations are not considered attention getting devices. Certain types of attention getting devices are specifically prohibited by this Ordinance in Section 1605.

Attic. For residential dwellings, the space between the ceiling beams of the uppermost story and the roof. If that space has a ceiling height of more than seven feet and six inches for over 50% of its area, then it shall count as a story.

Awning. A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

Balcony. A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Banner. A sign that is printed or displayed upon flexible material with or without frames.

Banner - Exhibition. A sign that is printed or displayed upon flexible material with or without frames in conjunction with a special exhibit for an educational facility, government building, or cultural facility.

Basement. That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having one-half or more of its height above the average elevation of the finished lot grade adjoining the building.

Bay Window. A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other similar purposes.

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

Block. A tract of land bounded by streets, or a combination of streets and public parks, golf courses, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

Blue Roof. A roof designed to store water and discharge rainfall.

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.

Buffer Yard. Land area with landscape plantings and other components used to visibly separate one use from another and/or to shield or block noise, lights, or other nuisances.

Build-To Line (BTL). Defined in Section 202.

Build-To Zone (BTZ). Defined in Section 202.

Build-To Percentage. Defined in Section 202.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

Building Height. Defined in Section 202.

Building Line. A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops. A front building line is that building line that abuts or is parallel or generally parallel to a front lot line. For the purposes of determining a front setback, if a porch extends the full width of the building, the front of the porch shall be considered the building line.

Bulk. A term used to describe the size and relationships of structures as to area, height, coverage, and shape, location of exterior walls in relation to lot lines, the centerline of streets, other walls of the same structure and to other structures, and to all open spaces relating to the structure.

Bulk Materials. Any liquid, solid, or granular materials stored in piles, barrels, tanks, bins, crates, or other means. Bulk materials include, but are not limited to, lumber, coal, sand, and flammable and inflammable liquids.

Bulkhead. A projecting framework providing access from the exterior of a structure to a stairway leading to a basement or cellar.

Business. An occupation, employment, or enterprise that occupies time, attention, labor and materials, where merchandise is exhibited or sold, or where services are offered.

Caliper. Defined in Section 202.

Canopy - Non-Structural. A roof-like non-structural cover that projects from the wall of a structure with support posts that extend to the ground.

Canopy - Structural. A permanent structure that serves as an overhanging shelter or shade that forms the structure of a building and is constructed in such a manner as to allow pedestrians or vehicles to pass underneath.

Carport. An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

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.

Chicken Coop. A structure where hens are kept.

Chimney. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Coldframe Structure. A transparent roofed enclosure constructed low to the ground used to protect plants from excessively cold or wet weather. It functions similar to a greenhouse to help extend the growing season.

College Student. An individual enrolled as an undergraduate or graduate student at any university or college educational institution who commutes to a campus.

Co-Location. Placement of wireless telecommunications equipment from more than one service or service provider on a single tower or site.

Commercial Message. Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Common Ownership. Ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots, or ownership by any association (ownership may also include a municipality) of one or more lots under specific development techniques.

Comprehensive Plan. The City's Comprehensive Plan adopted and approved pursuant to Rhode Island General Laws Chapter 22.2 of Title 45, and with which any zoning adopted pursuant to Rhode Island General Laws Chapter 45-24 shall be in compliance.

Conforming. In compliance with the regulations of the pertinent zoning district and this Ordinance.

Contiguous. See abut.

Cross-Access. A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without having to exit to the street.

Cut Off. The point at which all light rays emitted by a lamp, light source or luminaire are generally eliminated (cut off) at a specific angle above the ground, acknowledging that some light trespass may occur.

Day. A calendar day.

Deck. A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

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

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

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

Development Plan Review. ~~The process whereby authorized local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of this Ordinance.~~ Design or site plan review of a development of a permitted use as required by this ordinance and the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23.

District. 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. Zoning districts include, but are not limited to, agricultural, commercial, industrial, institutional, open space, and residential. Each district may include sub-districts. Districts may be combined.

Donation Box. A container used for the purpose of collecting donated items for resale or for use by a charitable organization or institution.

Drainage System. A system for the removal of water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwaters, and the prevention and/or alleviation of flooding.

Driveway. A pathway for motor vehicles from a street to a lot used only for service purposes or for access to the lot.

Dwelling. A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, rowhouse dwellings, and multi-family dwellings, but excluding mobile homes and hotels/motels.

Dwelling Unit. A structure or portion of a structure providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

Easement. Land designed by lawful agreement between the owner(s) of the land and a person(s) for a specified use only by such person(s).

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Encroachment. The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

Erect. To build, construct, attach, hang, place, suspend, or affix.

Exterior Lighting. The illumination of an outside area or object by any man-made device that produces light by any means.

Exterior Stairwell. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

Extractive Industry. The extraction of minerals including solids, such as coal and ores, liquids, such as crude petroleum, and gases, such as natural gases. The term also includes quarrying, well operation, milling, such as crushing, screening, washing, and flotation, and other preparation customarily done at the extraction site or as a part of the extractive activity.

Façade. The vertical surface of a building that abuts or is parallel or generally parallel to a street lot line. Facade includes all portions of that vertical surface including irregular facades where portions of the facade may not run directly parallel to the street lot line but are part of that façade plane and visible from the street lot line.

Family. A person or persons related by blood, marriage, or other legal means. See also household.

Fence. A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry, or other similar material and is used as a barrier.

Fence - Solid. A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

First Floor. The lowest floor of a building that has more than one-half of its height above the average elevation of the finished lot grade adjoining the building, including the portion of a building contained between the upper surface of its floor and the upper surface of the floor next above.

Fixture. The assembly that houses the lamp or lamps, which may include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Freeboard. A factor of safety expressed in feet above the base flood elevation of a flood hazard area for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Garage. A structure, either attached, integral, or detached, used for the parking and storage of vehicles as an accessory use to a residence. Shall not include Parking Structure as defined in Article 12.

Gazebo. A freestanding outdoor structure designed for recreational use and not for habitation.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.

Grade. Defined in Section 202.

Ground Floor. See first floor.

Groundwater. Water found underground which completely fills the open spaces between particles of sand, gravel, clay, silt, and consolidated rock fractures. The zone of materials filled with groundwater is called the zone of saturation.

Green Roof. A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Greenhouse (Accessory). A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross Floor Area (GFA). Defined in Section 202.

Hedge. A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

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

Hours of Operation. The period of time from one hour prior to opening to one hour after closing of a non-residential establishment.

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 is 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 either of the following:

1. A family, which may also include servants and employees living with the family; or

2. A person or group of not more than three unrelated persons living together.

Illumination System. The totality of the equipment installed to provide exterior lighting on a developed property. Illumination system includes all structures, canopy, pole, and ground-mounted luminaires, including all wiring, circuitry, and other devices installed to create exterior lighting.

Impervious Surface Coverage. Defined in Section 202.

Incentive Zoning. The process whereby the local authority may grant additional development capacity in exchange for the developer's provision of a public benefit or amenity as specified in the Zoning Ordinance.

Incidental Entertainment. Background music provided at a bar or restaurant. Incidental Entertainment is limited to the following formats: a) live music performance limited to not more than a maximum of three acoustic instruments which shall not be amplified by any means, electronic or otherwise; or b) prerecorded music played from a pre-selected play list over the permanently installed sound system. If a bar or restaurant includes incidental entertainment, it cannot charge a cover charge, shall not allow dancing by patrons of the establishment, cannot employ flashing, laser, or strobe lights, and the maximum volume, irrespective of the format, is limited solely to the boundaries of the premises at all times.

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

Intensification. Intensification includes, but is not limited to, increasing hours of operation, increasing the number of dwelling units, increasing the number of parking spaces, reducing total lot area to below that which is required for a new subdivision, or increasing the seating or occupancy capacity of any use.

Intensity of Use. Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

Internal Illumination (Sign). Illumination from a light source that is contained within a sign.

Junk Motor Vehicle. An automobile, truck, or other motor vehicle that has extensive damage, including, but not limited to, any of the following: missing wheels, body parts, tires, engine, or transmission, or such a vehicle that does not comply with state, county or Village laws or ordinances.

Lamp. The component of a luminaire that produces the actual light.

Lamp Wattage. The amount of power of a lamp expressed in watts.

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, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in this Ordinance.

Lighting. Defined in Section 202.

Light, Direct. Light emitted directly from the lamp, off a reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

Light, Indirect. Direct light that has been reflected or has scattered off of other surfaces.

Light Trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Limits of Disturbance. The boundary within which all construction, grading, paving or repaving, landscaping, and related activities occur.

Loading Berth. A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

Lot. Defined in Section 202.

Lot Area. Defined in Section 202.

Lot Building Coverage. Defined in Section 202.

Lot, Corner. Defined in Section 202.

Lot Depth. Defined in Section 202.

Lot Frontage. That portion of a lot abutting a street.

Lot, Interior. Defined in Section 202.

Lot Line. Defined in Section 202.

Lot Line, Corner Side. Defined in Section 202.

Lot Line, Front. Defined in Section 202.

Lot Line, Interior Side. Defined in Section 202.

Lot Line, Rear. Defined in Section 202.

Lot, Through. Defined in Section 202.

Lot Width. Defined in Section 202.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaire, Cut-Off Type. A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cut off a direct view of the light source at a cut off angle.

Major Alterations and Additions. [Changes in materials, design, dimensions, configuration, texture and visual appearance, which will permanently affect the integrity or character of a structure. Examples of projects in this category include: changes to rooflines, cornice lines, and rooftop structures; changes to window and door openings and configurations; creating new openings or blocking up existing ones; installation or removal of bays, oriels, and balconies; changes to storefronts, steps and entryways; cladding exterior walls in a new material; removal or alteration of significant ornamentation; barrier-free access improvements; installation of fire escapes; and large additions \(including elevator and stair towers\).](#)

Marquee. A permanent roof-like structure constructed of durable material extending from the wall of a structure with no supports extending to the ground with a portion of the structure dedicated to sign area that may be changed.

Minor Alterations and Additions. [Reversible changes which will not permanently affect the integrity or character of a structure. Examples of projects in this category include awnings and canopies, signs, replacement windows and doors, storm windows and doors, skylights, satellite dish antennae and other mechanical or electrical equipment; also, small additions such as roof decks, elevator and stair headhouses.](#)

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

Multi-Tenant Retail Center. A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Nit. A unit of visible-light intensity. One nit is equivalent to one candela per square meter.

Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with the provisions of that ordinance or amendment. Nonconformance is of only two types:

1. **Nonconforming by Use.** A lawfully established use of land, building, or structure that is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of the Ordinance is nonconformity by use.
2. **Nonconforming by Dimension.** A building, structure, or parcel of land not in compliance with the dimensional regulations of the Ordinance. Dimensional regulations include all regulations of the Ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of the Ordinance is nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of the Ordinance, but not meeting the lot area per dwelling unit regulations, is nonconforming by dimension.

Nonconformity. See definition of “Nonconformance.”

Non-Residential Use. A structure or land arranged, designed, used, or intended to be used for non-residential uses, which includes, but is not limited to, retail, office, entertainment, recreation, public, institutional, and other non-residential uses. Structures with dwellings above ground floor non-residential uses are considered mixed-use development and considered a non-residential use for the purposes of this Ordinance.

Off-Street Parking. The storage space for an automobile on premises other than streets or rights-of-way.

Open Space. That portion of land, either landscaped or left unimproved, which is used to meet active or passive recreation or spatial needs, and/or to protect water, air, or plant resources.

Outbuilding. An accessory structure used for an office or recreation room as an accessory use to a residence. The structure may be serviced by water and electricity, and include conditioned space, but shall not contain a kitchen or sleeping area.

Outdoor Display and Sales Area. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outlot. An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger shopping center development but is separated from the principal building or buildings, typically along the property line.

Overlay District. A district established in the Zoning Ordinance that is superimposed on one or more zoning districts or parts of zoning districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts consistent with other applicable state and federal laws.

Owner. A titleholder of record, or if title is held in trust, the beneficiary of the trust or the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

Owner-Occupied. A characteristic of a property in which its owner considers it his or her predominant and principal home and spends a majority of the year occupying the property.

Parapet. The extension of a false front or wall above a roof-line.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but is in joint use by each building.

Patio. A hard surface designed and intended for recreational use by people and not used as a parking space.

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

Pergola. A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

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

Planned Development. A land development project, as defined in Rhode Island General Laws §45-24-31(37), and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

Pre-Application Conference. A review meeting of a proposed development held between applicants and reviewing agencies as permitted by law and municipal ordinance, before formal submission of an application for a permit or for development approval.

Porch. An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves. A porch includes any occupiable space on its roof.

Porch – Enclosed. A porch enclosed by walls, screens, lattice or other material on two or more sides. A screened-in porch is considered an enclosed porch.

Porch – Unenclosed. A porch that is open on two or more sides.

Property Line. See lot line.

Principal Building. A non-accessory structure in which a principal use of the lot on which it is located is conducted.

Principal Use. The main use of land or structures as distinguished from an accessory use.

Raceway. A mounting bar or similar device that is used to attach channel letters to a building. Raceways often conceal the electrical components of channel letter signs.

Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.

Residential Use. A structure arranged, designed, used, or intended to be used for residential occupancy by one or more families or households, which includes, but is not limited to, the following types: single-family, two-family, semi-detached, rowhouse, and multi-family dwellings. Structures with dwellings above ground floor non-residential uses are considered mixed-use development, which are considered a non-residential use for the purposes of this Ordinance.

[Repairs, Replacement and Restoration. Work intended to remedy damage or deterioration, which will result in a change in the type of materials, dimensions, design, configuration, texture or visual appearance. May include repointing, chemical or mechanical cleaning, sealing, painting and patching of masonry. Also, restoration of altered or missing features to their appearance at a previous point in time, using physical, documentary or historical evidence.](#)

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, lawn strips, sidewalks, lighting, utilities, and drainage facilities.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

Security Hours. The period of time from one hour after closing to one hour prior to opening of a non-residential establishment.

Setback. Defined in Section 202.

Setback, Corner Side. Defined in Section 202.

Setback, Front. Defined in Section 202.

Setback, Interior Side. Defined in Section 202.

Setback, Rear. Defined in Section 202.

Shed. An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is intended to store lawn, garden, or recreational equipment.

Short-Term Rental. The occupancy or use, for a fee, of all or portions of a dwelling unit by anyone other than the owner for a period of fewer than 30 consecutive calendar days.

Sign. Any identification, description, illustration, or device illuminated or non-illuminated that is visible to the public from adjoining streets or adjoining properties and that directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, temporary sign, lights, balloons or other device designed to attract attention, advertise, identify or convey information. Building details that are an integral part of the overall architectural design of a building or works of art accessory to a building are not considered signs.

Sign, Animated. Any sign that uses movement or change of lighting to depict action or create a special effect or scene. Animated signs include video screens, television screens, plasma screens, and holographic displays, but do not include electronic message center signs.

Sign Area. Defined in Section 202.

Sign, Cabinet Box Projecting. A type of projecting sign in the form of a cabinet or box specifically designed to allow the sign face to be changed repeatedly, which may or may not be internally illuminated.

Sign, Cabinet Box Wall. A type of wall sign in the form of a cabinet or box specifically designed to allow the sign face to be changed repeatedly, which may or may not be internally illuminated.

Sign, Construction. Any sign identifying individuals or companies involved in design, construction, demolition, financing, or development when placed upon the premises where construction or development is ongoing.

Sign, Directional. A sign used to convey directions and other information to direct the public, such as entrance or exit.

Sign, Directory. A sign for a multi-tenant development that conveys tenant information to pedestrians and/or motorists who have entered the site.

Sign, Electronic Message. A sign or component of a sign that uses LED illumination systems or other similar electronic components to form a message(s) that are electronically programmed or modified by electronic processes.

Sign, Flashing. Any illuminated sign that contains an intermittent or flashing light source or that changes light intensity in sudden transitory bursts, but do not include electronic message center signs.

Sign, Freestanding. Any sign on a frame, pole, or other support structure that is not attached to any building. (Figure 2-1)

Sign, Ghost. A painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community.

Sign Height. Defined in Section 202.

Sign, Menuboard. A sign displaying goods or services available as part of the drive-through lane of a drive-through facility. (Figure 2-1)

Sign, Monument. A freestanding sign where the base of the sign structure is on the ground or no more than six inches above the ground. Typically constructed of brick, wood, stone, or metal, the monument sign base shall be a minimum of 75% of the width of the sign face and no more than 125% of the width of the sign face, and no more than 40% of the overall structure (total area of sign face and sign base). (Figure 2-1)

Sign, Moving. Any sign that revolves, rotates, swings, undulates, or otherwise attracts attention by moving parts, whether operated by mechanical equipment or by natural sources, not including flags or banners.

Sign, Off-Premise. A sign that directs attention to a profession, business, activity, commodity, service or entertainment other than one conducted, sold, or offered upon the premises where such sign is located. Off-premise signs may be

temporary or permanent; permanent off-premise signs are also called billboards. Political/noncommercial signs are not off-premise signs.

Sign, Political/Noncommercial. A sign advocating action on a public issue, recommending a candidate for public office, a referendum, or similar voting issue, or a sign for the expression of noncommercial ideas and messages. A political/noncommercial sign does not direct attention to a business, commodity, service, or entertainment that is offered on or off the premises.

Sign, Portable. Any sign not permanently attached to the ground, a building, or other structure and is readily movable. Any sign attached to a sign structure with wheels is considered a portable sign. Portable signs do not include those types of temporary signs or non-permanently attached signs that are specifically permitted by this Ordinance, such as banners and A-frame signs.

Sign, Projecting. Any sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than 15 inches. (Figure 2-1)

Sign, Roof. Any sign erected, constructed, and maintained above the parapet on a building with a flat roof or above the fascia board on a building with a pitched roof. (Figure 2-1)

Sign, Snipe. A sign painted, pasted or otherwise affixed to any tree, rock, retaining wall, fence, utility pole, hydrant, bridge, sidewalk, curb or street, bench, or trash receptacle. Logos and labels located on mechanical equipment, recycling bins, trash containers or dumpsters, which are part of the equipment as manufactured and/or installed, are not snipe signs.

Sign Structure. Any structure that supports a sign, including any decorative cover.

Sign, Wall. A single-faced sign attached generally flush or parallel to the wall of a building that projects less than 15 inches. (Figure 2-1)

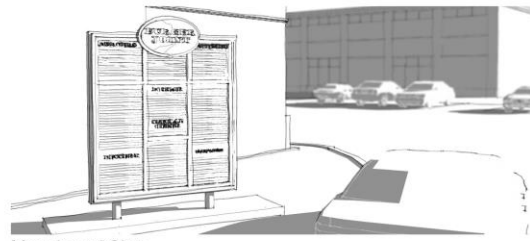
Sign, Window. A sign posted, painted, placed, or affixed in or on a window exposed to public view. A sign that is interior to the building that faces a window exposed to public view that is located within two feet of the window face is a window sign for the purposes of calculating the total area of all window signs. Merchandise used in a window display is not considered a window sign. (Figure 2-1)

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

FIGURE 2-1



Freestanding Sign



Menuboard Sign



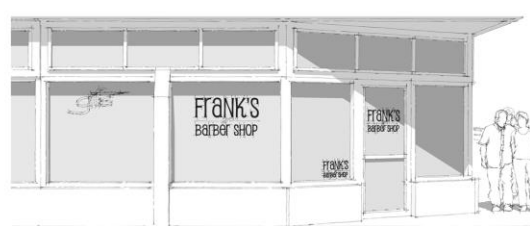
Projecting Sign



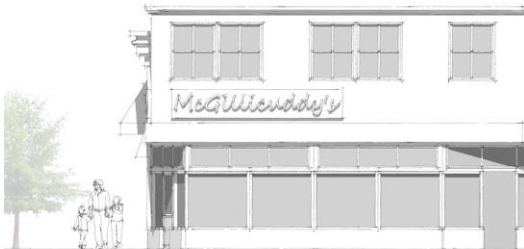
Roof Sign



Monument Sign



Window Sign



Wall Sign

Special Use. A regulated use that is permitted pursuant to the special use permit issued by the authorized governmental entity.

Stacking Space. A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

Stoop. An exterior floor typically, constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but shall not be enclosed.

Street. A public or private right-of-way that affords a primary means of vehicular access to abutting property, but does not include alleys or driveways.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

Substandard Lot of Record. Any lot lawfully existing at the time of adoption or amendment of this Ordinance and is not in conformance with the dimensional and/or area provisions of this Ordinance for new subdivisions as detailed in Table 4-1.

Swimming Pool. A receptacle for water and/or an artificial pool of water over 24 inches in depth, either at a private residence intended only for the use of the individual owner, his family and friends, or at a multi-tenant development intended only for the use of the tenants of the building and their families and friends.

Temporary Exterior Lighting. The specific illumination of an outside area or object by any man-made device that produces light by any means, which is not intended to be a permanent installation.

Trellis. A lattice frame made of bars of wood or metal, fixed to a wall, to support vines or trained climbing plants.

Unified Control. The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

Unified Development Review. The review and approval, approval with conditions, or denial of requests for variances and special-use permits submitted as part of land development and subdivision applications, pursuant to §45-24-46.4 of the Rhode Island General Laws.

Use. The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Variance. Permission to depart from the literal requirements of the Zoning Ordinance. An authorization for the construction or maintenance of a structure, or for the establishment or maintenance of a use of land that is prohibited by this Ordinance. There are only two categories of variance, a use variance or a dimensional variance.

- 1. Use Variance.** Permission to depart from the use requirements of this 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 the Zoning Ordinance under the applicable standards set forth in Rhode Island General Laws §45-24-41.~~
- 2. Dimensional Variance.** Permission to depart from the dimensional requirements of this 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 are not grounds for relief under the applicable standards set forth in Rhode Island General Laws §45-24-41.~~

Wall. A constructed solid barrier of concrete, stone, brick, tile, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

Waters. All surface waters including all waters of the territorial sea, tidewaters, all inland waters of any river, stream, brook, pond, or lake, and wetlands, as well as all groundwaters.

Wetland. A marsh, swamp, bog, pond, river, river or stream flood plain or bank; an area subject to flooding or storm flowage; an emergent or submergent plant community in any body of fresh water; or an area within 50 feet of the edge of a bog, marsh, swamp, or pond, as defined in Rhode Island General Laws §2-1-20; or any salt marsh bordering on the tidal waters of this state, 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, and as further defined by the Rhode Island coastal resources management program, as may be amended.

White Roof. A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

Yard. Defined in Section 202.

Yard, Corner Side. Defined in Section 202.

Yard, Front. Defined in Section 202.

Yard, Interior Side. Defined in Section 202.

Yard, Rear. Defined in Section 202.

Yard Sale. The sale of personal property conducted as accessory to a residential use, held on the seller's own premises. The term shall include garage sales, lawn sales, rummage sales, or other similar sales.

Zoning Certificate. A document signed by the zoning enforcement officer, as required in this Ordinance, which acknowledges that a use, structure or lot either complies with or is legally nonconforming to the provisions of this Ordinance or is an authorized variance or modification therefrom.

Zoning Lot. A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may or may not coincide with a lot of record.

Zoning Map. The map or maps that are a part of this Ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the City.

202 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

A. Build-To Dimensions

1. A build-to line (BTL) is the set dimension on a lot, measured from the applicable lot line, where a certain percentage of building frontage shall be located. (Figure 2-2)
2. A build-to zone (BTZ) is an area on a lot where a certain percentage of the building frontage shall be located, measured as a minimum and maximum range from the applicable lot line. (Figure 2-3)

FIGURE 2-2

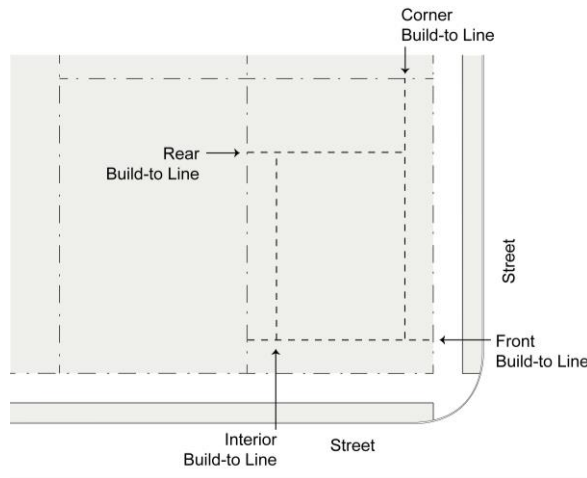
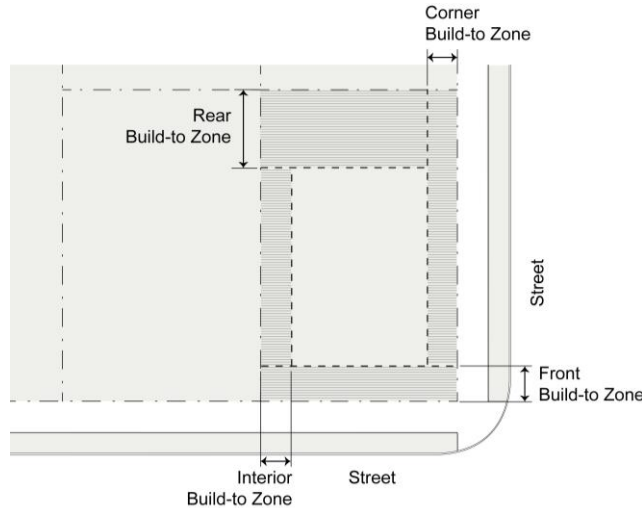


FIGURE 2-3



3. A build-to percentage specifies the percentage of the length of the build-to zone that is occupied by a building facade. Facade articulation, such as window or wall recesses and projections, is not counted against the required build-to percentage, so long as the variation does not exceed two feet of depth or projection.

B. Building Height

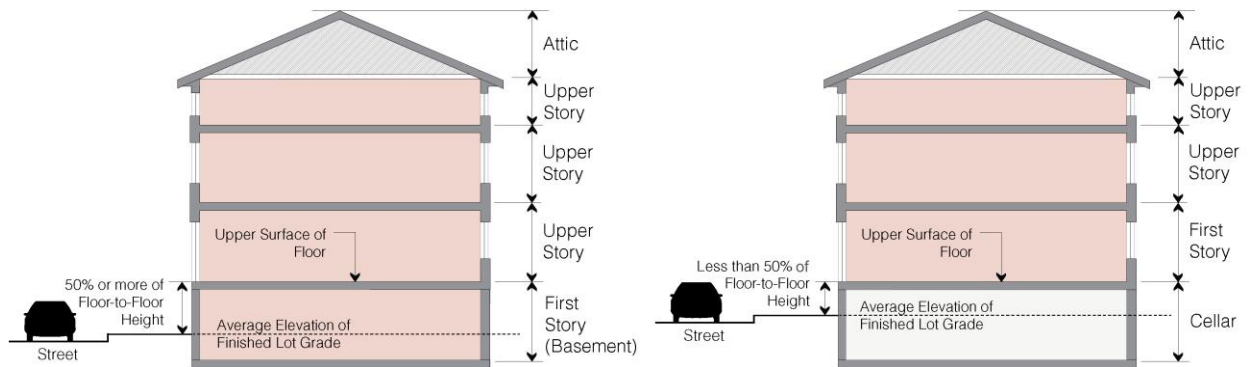
1. For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. This method of building height applies to all structures unless specifically exempted by this Ordinance. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like, as described in item 2 below. (Figure 2-4). For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), building height shall be measured from base flood elevation, and where freeboard, as defined in Section 201, is being utilized or proposed, such freeboard area, not to exceed five feet, shall be excluded from the building height calculation; provided, however, that the Rhode Island Coastal Resources Management Council design elevation maps may be used by an owner or applicant to establish a base flood elevation for a property that is higher than the official FEMA FIRMs.
2. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, port authority, or other similar federal, state, or local authority.
 - a. Public utility poles, towers, and wires. This does not include wireless telecommunication towers and wind turbines that are regulated separately by this Ordinance.
 - b. Water tanks and standpipes.
 - c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, stair towers, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances. However, building appurtenances shall be eligible for this exemption only if they meet the following standards:
 - i. The footprint of all building appurtenances shall not exceed 50% of the total floor area of the roof.
 - ii. All mechanical appurtenances or penthouses to house mechanical appurtenances roof equipment shall be set back from the edge of the roof a minimum distance of one foot for every two feet by which the equipment extends above the roof.
 - iii. The Downtown Design Review Committee may waive these regulations pertaining to rooftop mechanical equipment in the D-1 District to permit up to 100% of the roof to be covered by such structures.

FIGURE 2-4



3. A story is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, including any portion of a building used for human occupancy between the topmost floor and the roof. A basement is counted as a story, but a cellar is not. (Figure 2-5)

FIGURE 2-5



C. Caliper

Tree caliper is the diameter of a tree trunk, measured at six inches above the adjacent ground.

D. 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 is established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

E. Gross Floor Area (GFA)

The sum of the gross horizontal area of the floors of a building measured from the exterior face of exterior walls or from the centerline of walls separating two buildings, 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.

F. Impervious Surface [and Pervious Surface Coverage](#)

Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Regardless of the surface treatment, all areas designated or used for parking or access to parking shall be considered impervious surfaces. [Pervious surface coverage represents the portion of a site that allows for the absorption of water into the ground.](#)

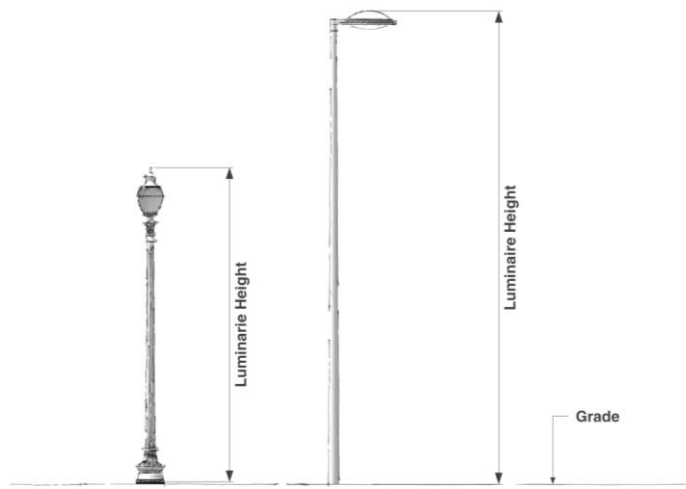
1. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area of the total area of the lot.
2. Maximum impervious surface of a specific yard is calculated as the percentage of all impervious surface area of the total yard area. Yard area is defined in item O below.
3. [Minimum pervious surface of a lot is expressed as a minimum square footage, regardless of lot size.](#)

G. Lighting

1. Luminaire Height

The total height of a luminaire is measured to the top of the pole or luminaire, whichever is higher, from grade. (Figure 2-6)

FIGURE 2-6



2. Footcandle

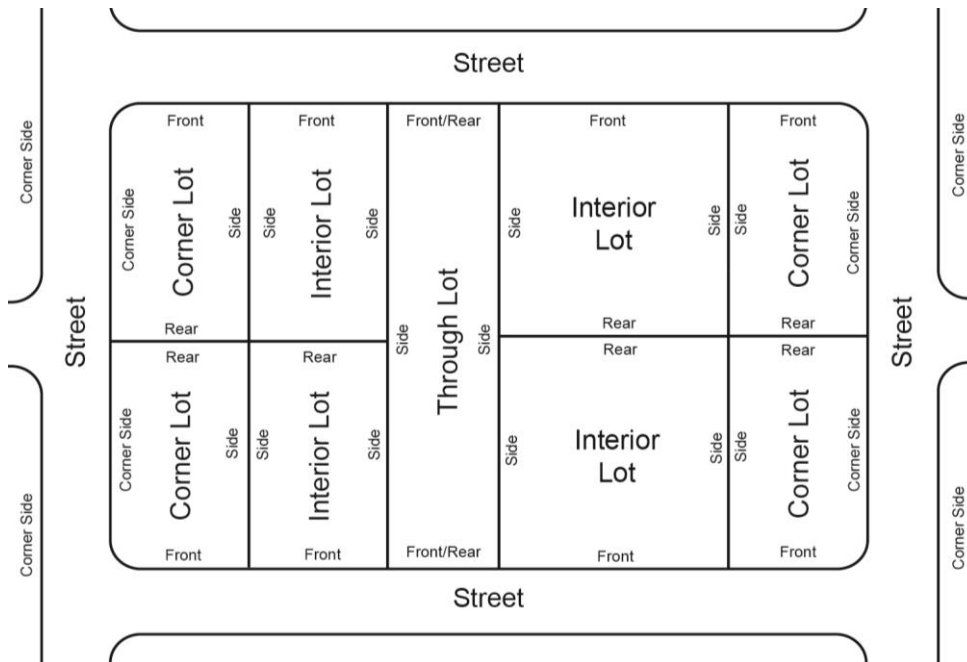
A footcandle (FC) is a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle. Footcandle is measured utilizing a direct reading, portable light meter mounted in a horizontal position.

H. Lot

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or 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. The following describes the types of lot configurations: (Figure 2-7)

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

FIGURE 2-7



I. Lot Area

The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet. (Figure 2-8)

J. Lot Building Coverage

That portion of the lot that is or may be covered by buildings, accessory buildings, and other structures covered by a roof.

K. 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. (Figure 2-8)

L. 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 includes: (Figure 2-9)

1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot may be any one of the lot lines abutting a street. A front lot line for a through lot is one or both lot lines that abut a street.
2. A rear lot line is 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 in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. An interior side lot line is a lot line that is perpendicular or approximately perpendicular to the front lot line and abuts another lot.
4. A corner side lot line is a lot line that is perpendicular or approximately perpendicular to the front lot line.
5. A street lot line is a lot line that abuts a street.

M. Lot Width

Lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. (Figure 2-8)

FIGURE 2-8

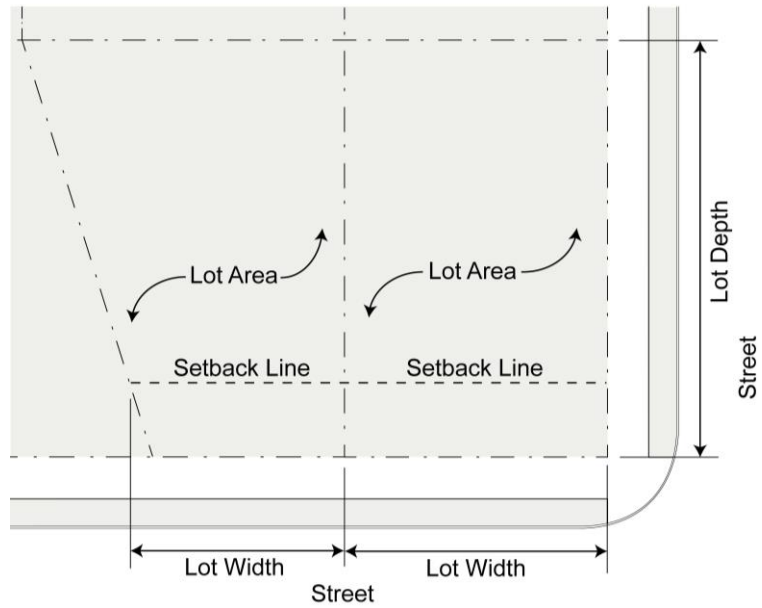
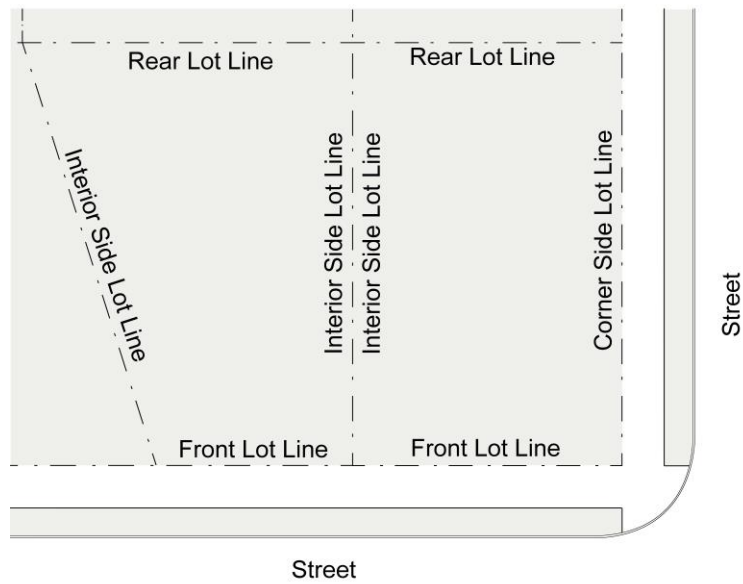


FIGURE 2-9



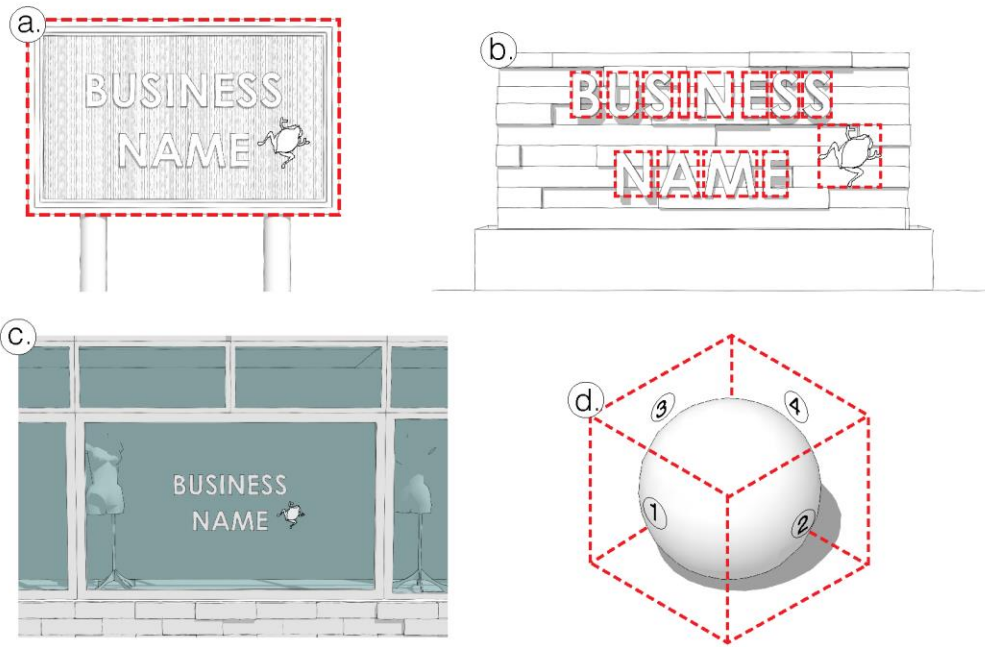
N. Sign Dimension Measurement

1. Measurement of Sign Area

Sign area is measured as follows: (Figure 2-10)

- a.** For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.
- b.** For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle, or triangle, or combination thereof, which encompasses each individual letter or logo. Sign area does not include any supports or bracing.
- c.** Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or logos, provided that the portion of the transparent film around the perimeter of the individual letters or logos maintains 100% transparency of the window.
- d.** The sign area of a three-dimensional, free-form, or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.

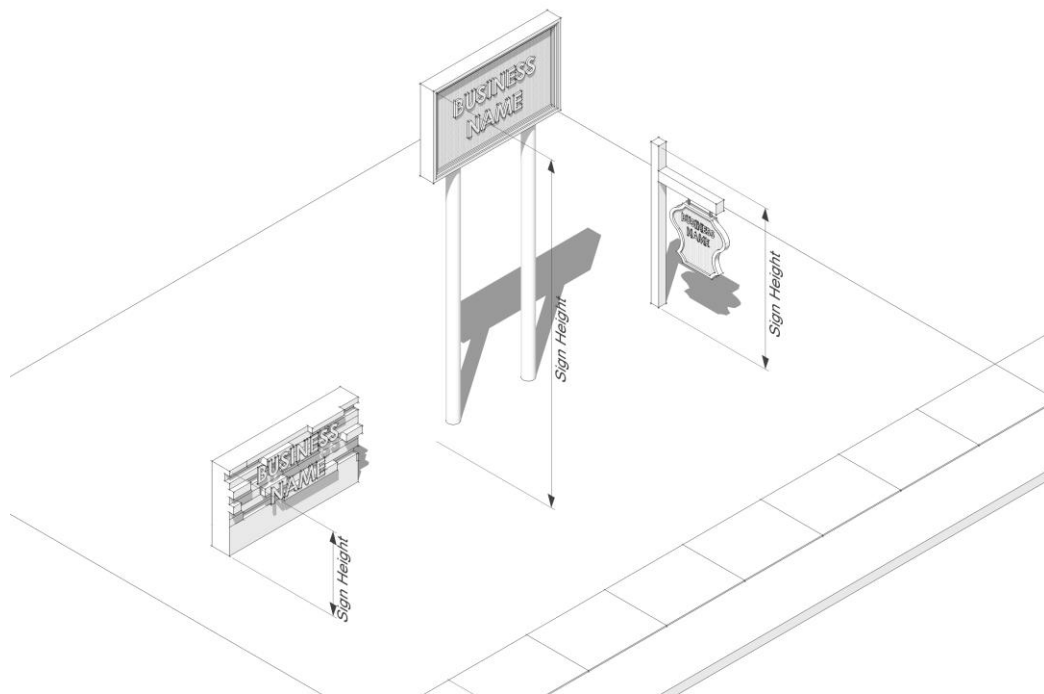
FIGURE 2-10



2. Measurement of Sign Height

For freestanding signs, height is calculated as the vertical distance measured from grade adjacent to where the sign is to be installed to the highest point of the sign. (Figure 2-11)

FIGURE 2-11



O. Yards and Setbacks

A yard is the open space area between the building line of a principal building and the adjoining lot lines. A required setback is the required minimum distance a principal building shall be located from a lot line, which is unoccupied and unobstructed by any portion of a principal building or accessory structure, unless permitted by this Ordinance, and may be equal to or lesser than a yard. A setback is located along a lot line for the minimum depth specified by the zoning district in which such lot is located. A build-to zone or build-to line is considered a required setback. (Figure 2-12)

1. Front Yard and Front Setback

A front yard is located between a principal building line and the front lot line. A front setback is the required minimum distance per the zoning district that a principal building shall be located from the front lot line. The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line. For the purposes of determining a front setback, if a porch extends the full width of the building, the front of the porch shall be considered the building line.

2. Interior Side Yard and Interior Side Setback

An interior side yard is located between a principal building line and the interior side lot line. An interior side setback is the required minimum distance per the zoning district that a principal building shall be located from the interior side lot line. The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard and setback, measured perpendicular to the interior side lot line. For rowhouse developments, the interior side yard and interior side setback are applicable to end units only. For semi-detached dwellings, the interior side yard and interior side yard setback do not apply to the lot line where the party wall is located.

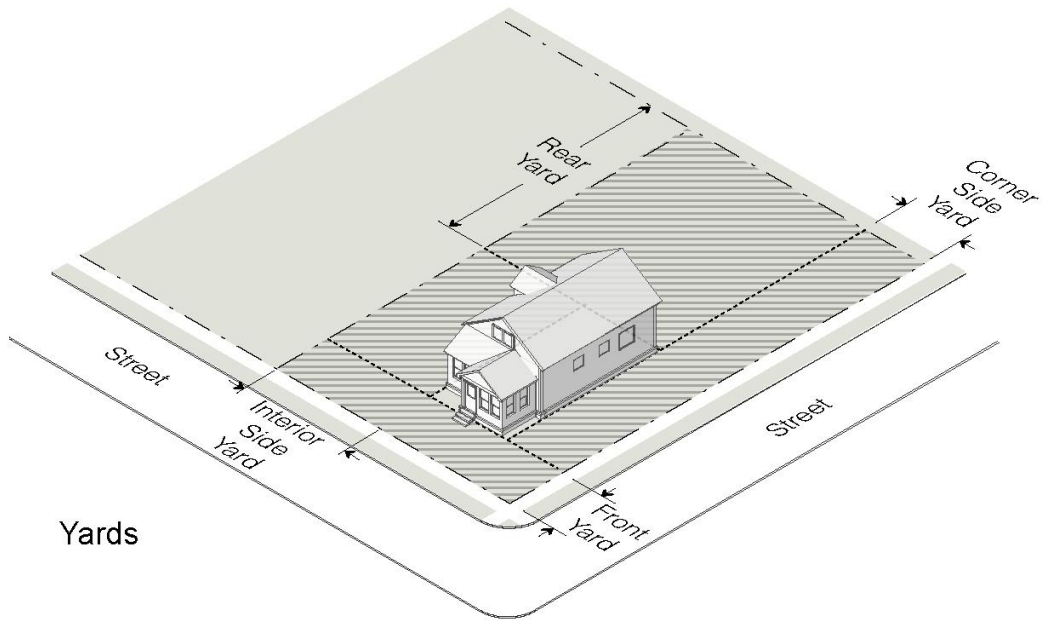
3. Corner Side Yard and Corner Side Setback

A corner side yard is located between a principal building line and the corner side lot line. A corner side setback is the required minimum distance per the zoning district that a principal building shall be located from the corner side lot line. The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

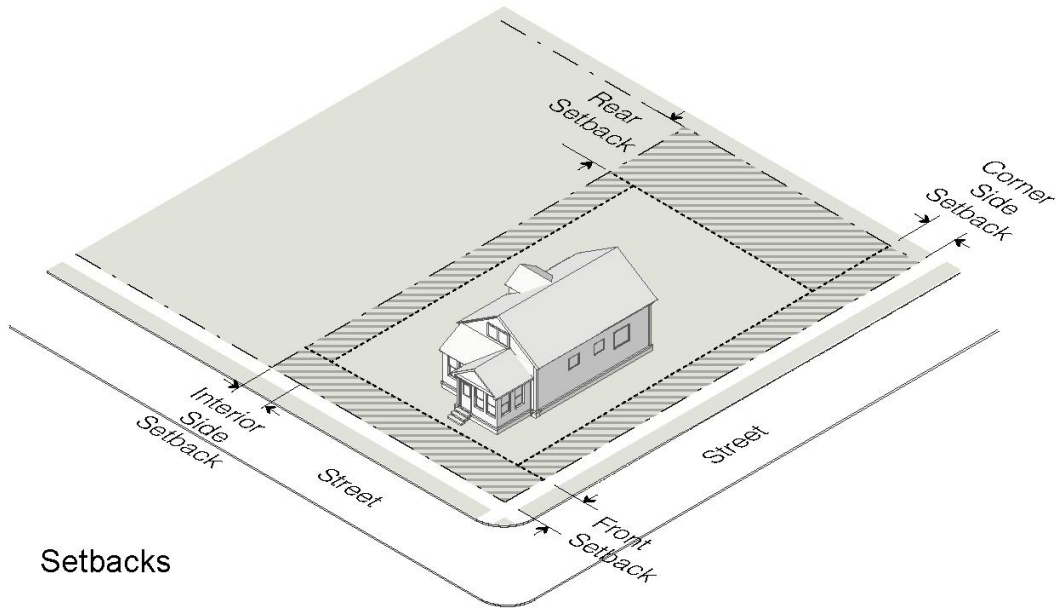
4. Rear Yard and Rear Setback

A rear yard is located between a principal building line and the rear lot line. A rear setback is the required minimum distance per the zoning district that a principal building shall be located from the rear lot line. The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback for the lot, measured perpendicular to the rear lot line.

FIGURE 2-12



Yards



Setbacks

ARTICLE 4. RESIDENTIAL DISTRICTS

- 400 PURPOSE STATEMENTS**
- 401 USES**
- 402 DIMENSIONAL STANDARDS**
- 403 GENERAL STANDARDS OF APPLICABILITY**

400 PURPOSE STATEMENTS

A. R-1A Residential District

The R-1A Residential District is intended for neighborhoods of lower density residential development. The R-1A District accommodates single-family dwellings on larger lots than those typically found in the City. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be allowed.

B. R-1 Residential District

The R-1 Residential District is intended for detached single-family dwellings of low density residential development. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be allowed.

C. R-2 Residential District

The R-2 Residential District is intended for areas of detached single-family and two-family, including semi-detached, residential development of moderate density. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be allowed.

D. R-3 Residential District

The R-3 Residential District is intended for higher density residential areas of detached single-family, two-family, and three-family residential development, as well as rowhouse development. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be allowed.

E. R-4 Residential District

The R-4 Residential District accommodates a variety of residential structures: single-family, two-family and semi-detached, three-family, rowhouses, and multi-family housing. The R-4 District accommodates higher density residential development in areas that minimize negative impacts to lower density residential neighborhoods. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be allowed.

F. RP Residential Professional District

The RP Residential Professional District is intended to preserve and enhance the residential integrity of select heavily traveled streets where certain residential-professional and low-intensity commercial uses are compatible. Compatible non-residential uses are those that can be accommodated within an existing residential structure to preserve the character of the street and its architecturally attractive and distinctive qualities.

401 USES

Article 12 lists permitted and special principal uses and temporary uses for the residential districts.

402 DIMENSIONAL STANDARDS

A. General Standards

Table 4-1: Residential District Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

B. Front Setback Calculation

The front setback requirement in residential districts is a required build-to zone calculated according to an averaging provision, as follows:

1. The build-to zone is calculated as the average of the front setbacks of developed lots within 100 feet on either side of the subject lot on the same side of the street as the subject lot. Any lots within this distance that are only partially within this 100 feet are also included in the calculation. The resulting calculation can be increased or decreased by five feet to establish the build-to zone.
2. If there are no buildings on the same side of the street, developed lots within 100 feet in both directions on the opposite side of the street are used for averaging to calculate the required minimum front setback. Any lots within this distance that are only partially within this 100 feet are also included in the calculation. The resulting calculation can be increased or decreased by five feet to establish the build-to zone.
3. If there are no buildings on the same side or the opposite side of the street, the required front build-to zone is set as the area between 5% and 15% of the lot depth.

C. Interior Side Setback Applicability

1. For semi-detached dwellings, interior side yards are required only along the interior side lot line where the party wall between dwellings is not located
2. For rowhouse dwellings, interior side yards are required only for end units.

D. Existing Lots

Where a standard is indicated as applicable to "existing" lots, the standard is applicable to lots recorded prior to the effective date of this Ordinance. Where a standard is indicated as applicable to "new subdivisions," the standard is applicable to new lots created by subdivision as of or after the effective date of this Ordinance.

E. RP District Conversions

The conversion of an existing residential structure to a non-residential use in the RP District shall comply with the dimensional standards for the original type of residential structure. Structures originally constructed as or new structures constructed for non-residential uses are subject to the standards for non-residential uses.

F. RP District Design Requirements

When new and existing structures are to be used for non-residential purposes, the principal structure shall be residential in character. The structure shall meet, to the extent possible, the design standards for the dwelling type. The structure and any non-residential use within shall maintain a residential appearance from the exterior, and the site shall be designed consistent with residential uses in the surrounding neighborhood including similar landscaping and minimal paving for parking and driveways.

TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

Key:
SF = Single-Family // SD = Semi-Detached // 2F = Two-Family
3F = Three-Family // RH = Rowhouse // MF = Multi-Family

	R-1A	R-1	R-2	R-3	R-4	RP
Bulk Standards						
Minimum Lot Area	SF Existing Lots: None New Subdivisions: 7,500sf Non-Residential: 7,500sf	SF Existing Lots: None New Subdivisions: 5,000sf Non-Residential: 5,000sf	SF Existing Lots: None New Subdivisions: 5,000sf 2F Existing Lots: 4,000sf 2F New Subdivisions: 5,000sf Non-Residential: 5,000sf	SF Existing Lots: None New Subdivisions: 5,000sf 2F Existing Lots: 3,500sf 2F New Subdivisions: 5,000sf 3F: 5,000sf RH: 5,000sf min. with at least 1,650sf/du Non-Residential: 5,000sf	SF Existing Lots: None New Subdivisions: 3,500sf 2F: 3,500sf 3F: 3,500sf RH: 3,500sf min. MF: 3,500sf min. Non-Residential: 3,500sf	SF Existing Lots: None New Subdivisions: 5,000sf 2F Existing Lots: 3,500sf 2F New Subdivisions: 5,000sf 3F: 5,000sf RH: 5,000sf min. with at least 1,650sf/du MF: 5,000sf min. with at least 1,650sf/du Non-Residential: 5,000sf
Minimum Lot Width	SF Existing Lots: None New Subdivisions: 75' Non-Residential: 75'	SF Existing Lots: None New Subdivisions: 50' Non-Residential: 50'	SF Existing Lots: None New Subdivisions: 50' 2F Existing Lots: 40' Non-Residential: 50'	SF Existing Lots: None New Subdivisions: 50' 2F & 3F Existing Lots: 35' RH: 50' minimum with at least 12'/du Non-Residential: 50'	SF Existing Lots: None New Subdivisions: 35' 2F, 3F & MF Existing Lots: 35' RH: 35' minimum with at least 12'/du Non-Residential: 35'	SF Existing Lots: None New Subdivisions: 50' 2F Existing Lots: 35' 3F, MF & Non-Residential: 50' RH: 50' minimum with at least 12'/du MF: 50' minimum with at least 12'/du Non-Residential: 50'
Maximum Building Height	40', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories	40', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories	45', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories	45', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories	45' Lots of 2,500sf or less: 32', not to exceed 2 stories	45' Lots of 2,500sf or less: 32', not to exceed 2 stories
Maximum Building Coverage	35%	45%	45%	45%	SF, SD, 2F, 3F, RH: 45%	SF, SD, 2F, 3F, RH: 45%

TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

Key:
SF = Single-Family // SD = Semi-Detached // 2F = Two-Family
3F = Three-Family // RH = Rowhouse // MF = Multi-Family

	R-1A	R-1	R-2	R-3	R-4	RP
					MF, Non-Residential: 55%	MF, Non-Residential: 55%
Maximum Impervious Surface Coverage - Front Yard	33%	33%	33%	33%	33%	33%
Maximum Impervious Surface Coverage - Rear Yard	50%	50%	50%	50%	50%	50%
Total Maximum Impervious Surface Coverage	50%	65%	65%	65%	SF, SD, 2F, 3F, RH: 65% MF, Non-Residential: 70%	65%
Total Minimum Pervious Surface Coverage	<u>1,000 sf</u>	<u>1,000 sf</u>	<u>1,000 sf</u>	<u>1,000 sf</u>	<u>1,000 sf</u>	<u>1,000 sf</u>

Setback Requirements

Front Setback Zone	Sec. 402.B	Sec. 402.B	Sec. 402.B	Sec. 402.B	Sec. 402.B	Sec. 402.B
Minimum Interior Side and Minimum Corner Side Setback	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more: 10'	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more: 10'	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more: 10'	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more: 10'	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more: 10'
Minimum Rear Setback	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'

403 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 13 for additional site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 14 for off-street parking and loading standards.

C. Trees and Landscaping

See Article 15 for landscape requirements.

D. Signs

See Article 16 for sign standards.

ARTICLE 6. DOWNTOWN DISTRICT

600	PURPOSE STATEMENTS
601	USES
602	DIMENSIONAL STANDARDS
603	DEVELOPMENT INCENTIVES
604	DEVELOPMENT AND DESIGN STANDARDS
605	DESIGN STANDARDS FOR ALTERATIONS TO EXISTING BUILDINGS
606	DESIGN STANDARDS FOR NEW CONSTRUCTION
607	GENERAL STANDARDS OF APPLICABILITY

600. PURPOSE STATEMENTS

A. D-1 Downtown District

The purpose of the D-1 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 of existing buildings 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; greenways and open spaces are incorporated into the downtown; and 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 D-1 District shall be regulated and approved through development plan review in accordance with the provisions of this Section. The permitting authority for development plan review in the Downtown District is set forth in Article 19.

601. USES

A. General Regulations

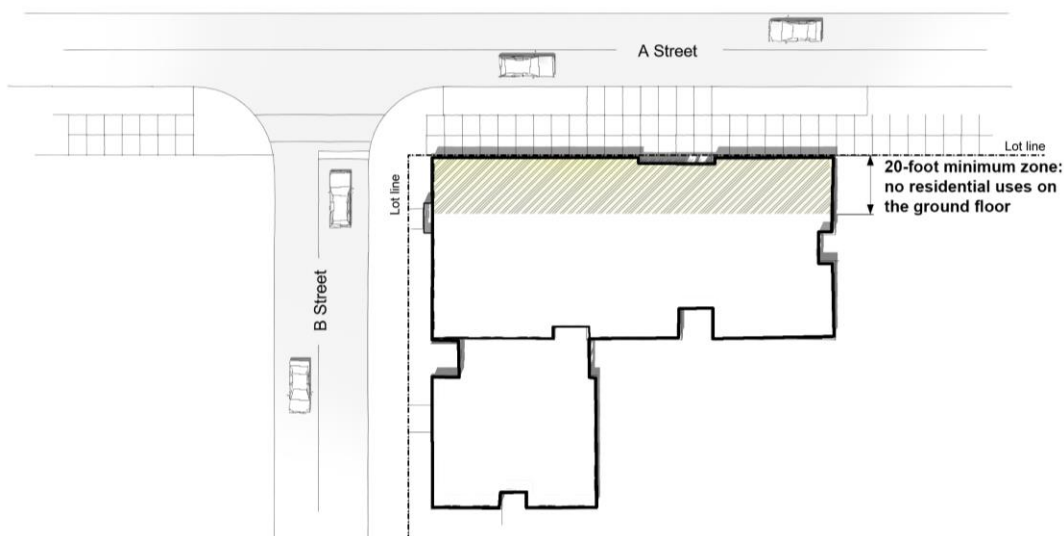
Article 12 lists permitted and special principal uses and temporary uses for the D-1 Downtown District.

B. Use Restrictions

Certain use restrictions are based upon the street designations identified in Section 602.C. These restrictions are:

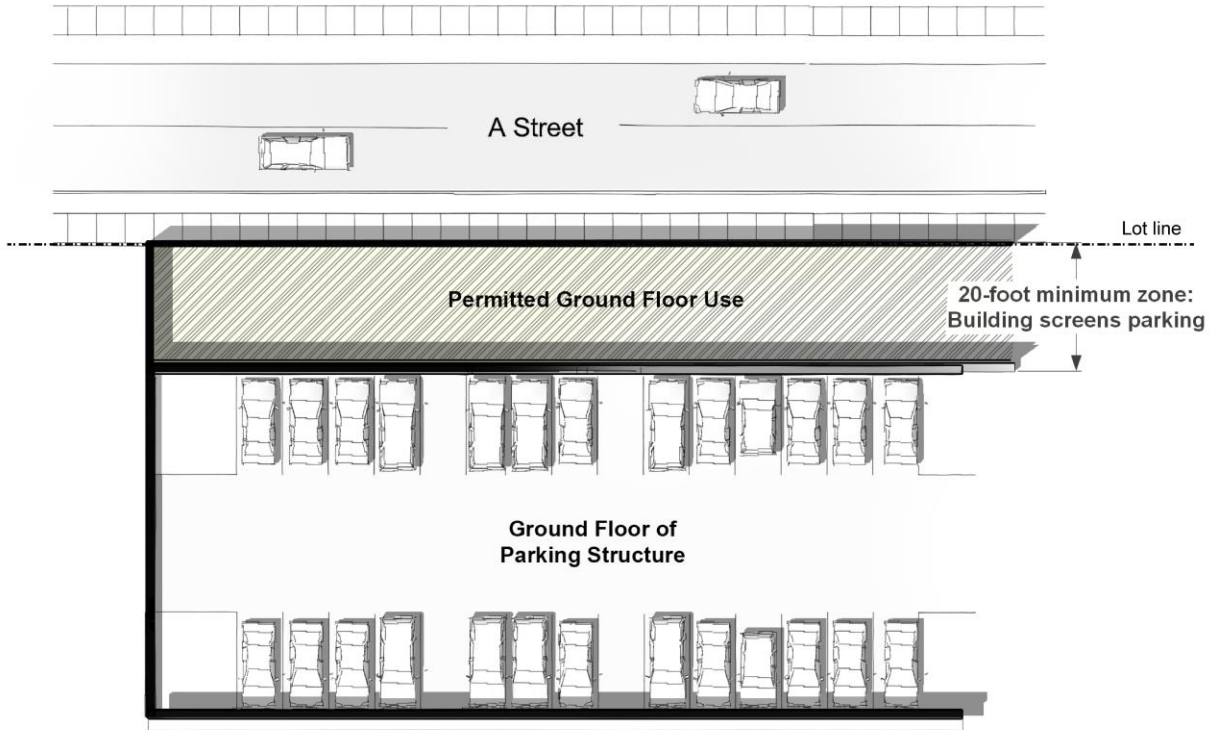
1. For a building that fronts on an A Street, residential uses are prohibited on the ground floor within 20 feet of the A Street. Lobbies and common spaces associated with residences are permitted within this area. (Figure 6-1)

FIGURE 6-1



2. Parking on the ground floor shall be separated from an A Street by a permitted ground floor use having a depth of at least 20 feet from the A Street. (Figure 6-2)

FIGURE 6-2



602 DIMENSIONAL STANDARDS

A. General Standards

Table 6-1: Downtown District Dimensional Standards establishes the dimensional standards for the D-1 Downtown District. These regulations apply to all uses within the district unless a different standard is listed for a specific use. Certain requirements are based upon the street designations identified in Section 602.C.

TABLE 6-1: DOWNTOWN DISTRICT DIMENSIONAL STANDARDS	
D-1	
Bulk Standards	
Minimum Ground Floor Height	12'
Minimum Building Height	3 stories
Maximum Building Height	See Section 602.B
Setbacks	
Front Setback	A Street: Build-to zone of 0' to 8', with minimum build-to percentage of 80% B Street: None
Side Setback	0' Build-to line
Rear Setback	None

B. Maximum Building Height

The D-1 District is comprised of eight height sub-districts. The maximum building height within each of the D-1 District height sub-districts is as follows:

1. D-1-45 equals a maximum building height of 45 feet
2. D-1-75 equals a maximum building height of 75 feet
3. D-1-100 equals a maximum building height of 100 feet
4. D-1-120 equals a maximum building height of 120 feet
5. D-1-150 equals a maximum building height of 150 feet
6. D-1-200 equals a maximum building height of 200 feet
7. D-1-300 equals a maximum building height of 300 feet
8. D-1-600 equals a maximum building height of 600 feet.

C. A Streets and B Streets

1. A Streets

A Streets are designated on the Zoning Map for the D-1 District. Buildings that front on these streets are subject to more stringent design and development regulations than building facades that front on B Streets.

2. B Streets

B Streets are designated on the Zoning Map for the D-1 District. Buildings that front on these streets are subject to less stringent design and development regulations than buildings that front on A Streets.

603 DEVELOPMENT INCENTIVES

A. Purpose

The purpose of these incentives is to encourage development that will be compatible with the character of Downtown and carry out the goals of the comprehensive plan. These regulations are designed to foster and promote in the Downtown preservation of historic properties, first floor retail activity, pedestrian access and convenience, publicly-accessible open space, parking structures, the arts, and housing.

B. Basic Requirements

All development in the D-1 District shall conform to the use, density, bulk, parking, design review, and other applicable requirements of this Ordinance.

C. Incentives – General

Development incentives through height bonuses are permitted in the D-1 District to encourage development that is compatible with the goals of the comprehensive plan.

1. All requests for development incentives shall be reviewed by the Downtown Design Review Committee at a public hearing in accordance with Section 1907 of this Ordinance.
2. The Downtown Design Review Committee may consider the physical changes required to the building or site if the incentive is granted, including interior alterations that affect the exterior appearance and character of the property, and may impose any conditions necessary to mitigate the visual impact of such changes, in accordance with the design regulations of this Section.

D. Bonus Eligibility

A project is eligible for a bonus of increased building height if space is provided within the project for the uses, improvements, or facilities set forth below. Bonuses may in no case result in more than 30% additional building height.

1. Active Ground Floor Uses

Active ground-floor uses shall include the publicly-accessible areas of restaurants, retail, cultural or entertainment facilities, or other uses determined by the Downtown Design Review Committee to promote pedestrian activity and commerce in Downtown. A minimum of 25% of the area of the ground floor of a building shall be dedicated to active uses to qualify for a bonus.

2. Publicly Accessible Open Space

Publicly-accessible open space shall constitute areas of a lot that are made accessible to the public every day, year-round, during daylight hours, and that are maintained by the property owner. It is preferable that such areas contribute to a planned network of connected pedestrian and bikeways and parks.

3. Parking Structures

Parking structures shall be integrated into or on the same lot as a building for which a bonus is sought.

E. Schedule of Development Bonuses

If a proposed use, improvement or facility complies with the standards set forth in this section, it shall be eligible for a height bonus. The height bonus is the percentage of increase in building height over the permitted zoning height. The schedule of bonuses is as follows:

1. Active Ground Floor Uses

The bonus is based on the percentage of ground-floor space dedicated to active ground-floor use.

% of Ground-Floor Area	Height Bonus
25 to 50%	10%
51 to 75%	20%
76 to 100%	30%

2. Publicly-Accessible Open Space

The bonus is based on the percentage of lot area dedicated to publicly-accessible open space.

% of Lot Area	Height Bonus
10 to 15%	10%
16 to 25%	20%
>25%	30%

3. Parking Structure

For each square foot of parking in a parking structure, an equivalent amount of floor area may be added to the building above the maximum height, not to exceed two additional stories.

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 20 years, unless the Downtown Design Review Committee 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.

604 DEVELOPMENT AND DESIGN STANDARDS

The following additional development standards apply to the D-1 District, in addition to or in place of other standards within this Ordinance.

A. Awnings

1. Awnings shall be variations on the shed form.
2. Use of one continuous awning across more than one building is prohibited.
3. Awnings shall be constructed of metal, canvas, or fire-resistant acrylic. Use of plastic and vinyl is prohibited.
4. Back-lit and waterfall awnings are prohibited.
5. Dome awnings are permitted only above building entryways. Only the address number or building name may be printed on the awning.
6. Awnings may project up to eight feet into the public right-of-way.

B. Signs

Signs are subject to the requirements of Article 16 and the following additional standards. In the case of conflict, these standards control.

1. The maximum total area of all permanent signs on a facade shall not exceed three square feet per one linear foot of building frontage. Window signs are not included in the above calculation.
2. Permanent signs shall be made of metal, painted wood, or other painted similar material (no plastic). This does not apply to awning and canopy sign material, which are subject to the standards of item A above for these particular sign types.

C. Fences and Walls

Fences and walls are permitted subject to the following regulations. The ~~Downtown Design Review Committee~~ permitting authority may grant waivers to these provisions.

1. Exterior landscaping walls shall be faced to complement the surrounding architecture.
2. Walls of a uniform material shall vary in pattern, texture, and color, and employ elements such as columns, pilasters, banding, or cornices to interrupt the monotony of continuous lengths of wall.
3. Fences shall be constructed of steel, aluminum, or wrought iron and may include stone or brick piers. Fence colors shall blend into the landscape.
4. Fences and walls shall not exceed six feet in height.

D. Lighting

Light fixtures shall be decorative or concealed. They shall be shielded and directed toward a building or the ground. Electrical conduit and junction boxes shall be located so as to minimize or, if possible, eliminate their visibility from the public right-of-way.

E. Mechanical Equipment

1. Mechanical equipment located on the ground or on the roof shall be screened so as not to be visible to a pedestrian from within the right-of-way of an A Street abutting the property containing the building. The screening shall complement the design of the building through the use of similar materials, colors, finishes and architectural details.
2. Louvers, exhaust equipment, ducts, alarm devices, cable boxes, utility meters and other mechanical and/or electrical equipment shall not be mounted on an A Street façade.
3. The ~~Downtown Design Review Committee~~ permitting authority may waive this provision, provided that such equipment shall be mounted only in inconspicuous locations and painted and/or screened in such a manner to reduce its visual impact.
4. The ~~Downtown Design Review Committee~~ permitting authority may waive regulations pertaining to roof mechanical equipment to permit up to 100% of the roof to be covered by such structures without counting as an additional story.

F. Security Grates

The use of solid roll down security grates is prohibited. Alternatives to solid roll down grates include ornamental wrought-iron doors, interior roll down grates or other security devices that can be completely concealed during regular business hours. Security guards shall be designed so as not to impact the historic quality of existing buildings.

G. Off-Street Parking

1. Parking in the D-1 District shall conform to the requirements of Article 14 of this Ordinance.
2. Access to parking lots and structures from A Streets is permitted only when the lot has no frontage on a B Street. The ~~Downtown Design Review Committee~~ permitting authority may waive this provision.
3. The maximum width of the driveway access is 24 feet.
4. Surface parking is strongly discouraged in the D-1 District, and is permitted only by waiver from the ~~Downtown Design Review Committee~~ permitting authority as an accessory use subject to the following conditions:
 - a. Accessory use parking lots are permitted only on the same lot as a principal use building.
 - b. On a lot with A Street frontage, accessory use parking lots are prohibited within 20 feet of the A Street. For areas between the parking lot and the A Street that do not contain buildings, such areas shall be landscaped and fenced as required by the ~~Downtown Design Review Committee~~ permitting authority. Such areas may contain hardscape elements. (Figure 6-3)
 - c. Along B Streets, surface parking shall be separated from the public right-of-way by a landscaped strip in accordance with Section 1504. The ~~Downtown Design Review Committee~~ permitting authority may require fences and/or walls to buffer the parking.
 - d. The ~~Downtown Design Review Committee~~ permitting authority may impose a time limit on the waiver that permits surface parking.
 - e. The parking surface shall utilize low-impact-development practices appropriate to an urban environment consistent with city ordinance and state laws to treat and discharge stormwater.
 - f. Light poles shall not exceed 18 feet in height, and their design shall conform to Section 1301.
 - g. The ~~Downtown Design Review Committee~~ permitting authority may impose further conditions to ensure that surface parking areas do not have a negative impact on the surroundings.
 - h. Notwithstanding provisions of this ordinance to the contrary, parking lots in the D-1 District that were permitted by variance or other zoning relief granted by the City and in effect as of March

19, 2020, but for such approvals would have expired thereafter, the expiration date for such approvals shall be tolled until December 31, 2024.

FIGURE 6-3



H. Loading

Off street loading docks and areas shall be provided in accordance with Article 14 of this Ordinance and the following provisions:

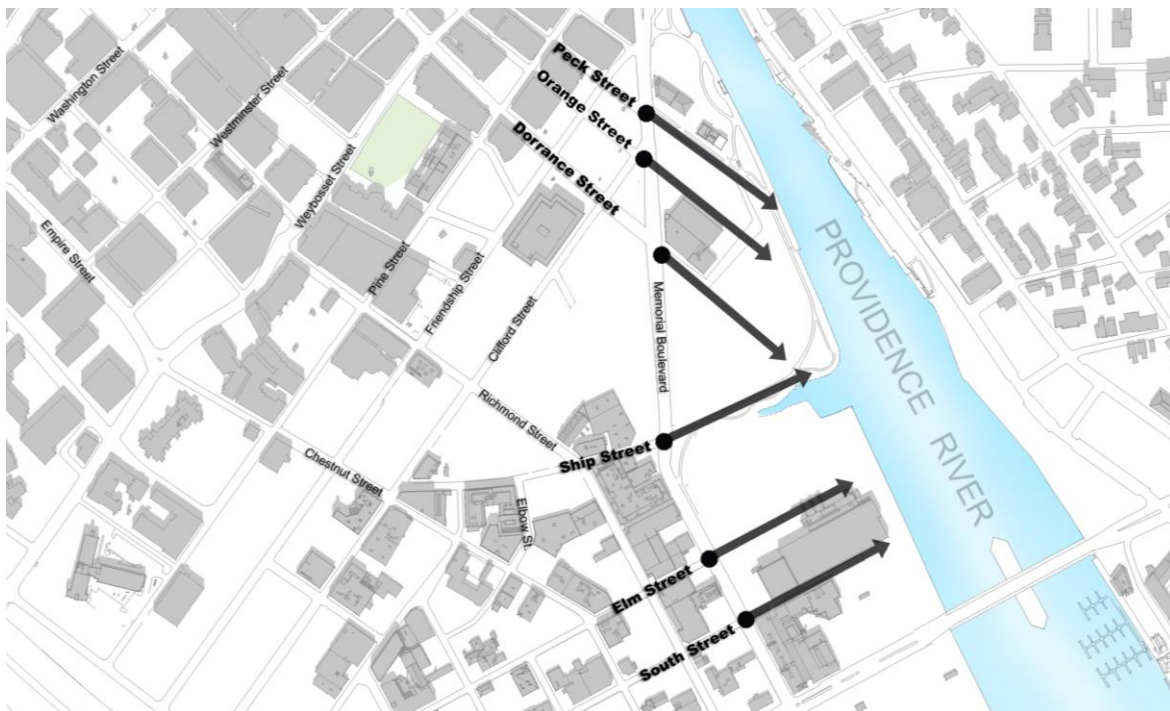
1. Access to loading docks and areas from A Streets is permitted only when the lot has no frontage on a B Street. The [Downtown Design Review Committee-permitting authority](#) may waive this provision.
2. Exterior loading docks are prohibited.
3. Interior loading shall be screened from view by solid, non-transparent doors which shall remain closed when the loading dock is not in use. The doors used to screen the docks shall be designed to be consistent with similar building elements, such as windows and doors, to reduce the industrial appearance of the loading area and be constructed of materials found elsewhere on the building.
4. The maximum width of the driveway access to the loading dock/area is 24 feet. Wider curb cuts may be permitted by waiver if it is demonstrated that loading cannot be reasonably accessed given site conditions.

I. View Corridors

1. View corridors are hereby established along Peck Street, Orange Street, Dorrance Street, Ship Street, Elm Street, and South Street to preserve important views to and from the Providence riverfront. The six view corridors shall be uninterrupted physical extensions of the existing right-of-way width and geometry of said streets, and extend to the riverfront edge, as indicated in the illustration below. Structures or landscaping located within view corridors shall not exceed a height of three feet. The [Downtown Design Review Committee-permitting authority](#) may waive this provision.
2. The view corridor streets are as follows: (Figure 6-4)
 - a. Peck Street, southeast from its intersection with Memorial Boulevard, to the Providence River
 - b. Orange Street, southeast from its intersection with Memorial Boulevard, to the Providence River

- c. Dorrance Street, southeast from its intersection with Memorial Boulevard, to the Providence River
- d. Ship Street, northeast from its intersection with Memorial Boulevard, to the Providence River
- e. Elm Street, northeast from its intersection with Memorial Boulevard, to the Providence River
- f. South Street, northeast from its intersection with Memorial Boulevard, to the Providence River

FIGURE 6-4



605 DESIGN STANDARDS FOR ALTERATIONS TO EXISTING BUILDINGS

All exterior work on existing buildings in the D-1 District is subject to approval by the ~~Downtown Design Review Committee or its staff~~ permitting authority and shall be regulated by these standards. The purpose of these standards is to preserve the urban fabric, and, in particular, the historic character of Downtown Providence. These standards are intended to preserve and restore the architectural integrity and historic character of buildings in the D-1 District.

- A. The existing scale and proportions of buildings and streetscapes shall be preserved. The ~~Downtown Design Review Committee and its staff~~ permitting authority shall review the following:
 1. The preservation, repair or replacement of building features using the Secretary of the Interior's Standards for the Treatment of Historic Properties, promulgated by the National Parks Service (Secretary's Standards) as guidelines, which are hereby incorporated by reference.
 2. Existing structures that 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, applicants are encouraged to recreate the storefront design on the first floor.
 3. The restoration or reconstruction of a building that has been altered through the years, using the Secretary's Standards as guidelines. The Downtown Design Review Committee or ~~its staff~~ permitting authority should consider pictorial, documentary or physical evidence of the original configuration when reviewing applications.

4. New additions of less than 5,000 square feet of gross floor area, exterior alterations, or related new construction, using the Secretary's Standards as guidelines. Additions of 5,000 square feet of gross floor area or more shall be treated as new construction subject to Section 606.
5. The transparency of building facades. Transparency shall be at least 70% of the wall area, between the height of one and 12 feet above grade, of each building façade. 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 ground-floor building facade has less than 70% transparency. Upper story transparency shall not be reduced from its original design.
6. The design of all awnings to ensure that the design is in character with the building.
7. The installation of security devices to ensure that they are designed so as not to impact the historic quality of the building.

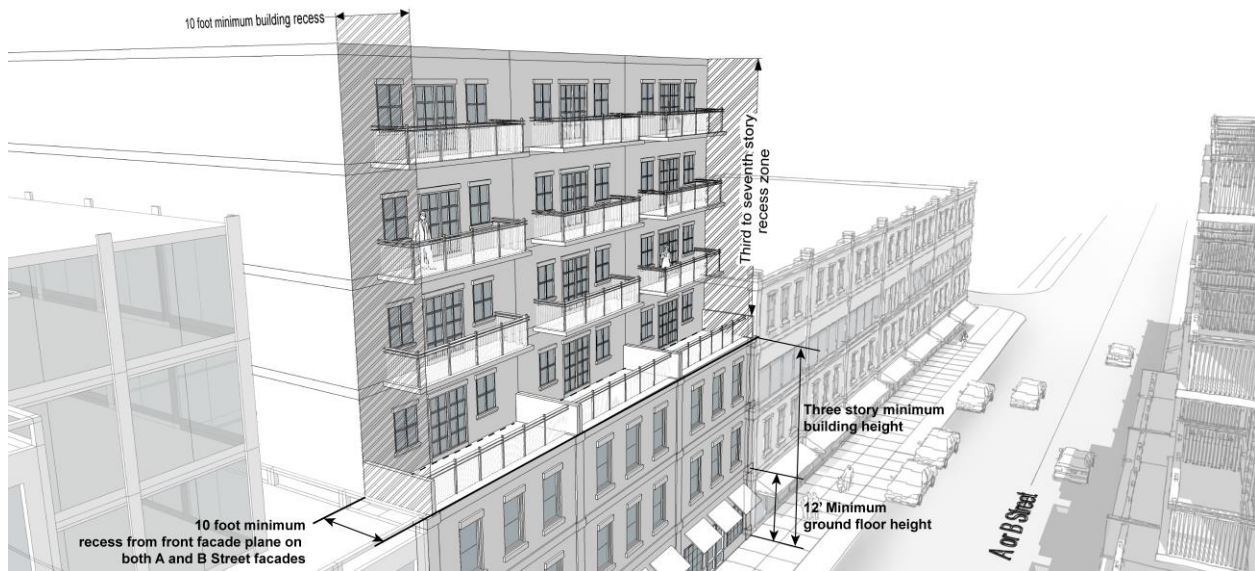
606 DESIGN STANDARDS FOR NEW CONSTRUCTION

All new construction, including additions of 5,000 square feet of gross floor area shall be approved by the ~~Downtown Design Review Committee or its staff~~ permitting authority and regulated by these standards. The purpose of these standards is to preserve the urban fabric of Downtown Providence and ensure that new construction complements the historic character and architectural integrity of existing structures. The following are minimum standards for all new construction:

A. Building Height and Massing

1. Buildings shall be at least three stories in height. The ~~Downtown Design Review Committee~~ permitting authority may grant a waiver to allow a building of two stories. (Figure 6-5)
2. Building height and massing shall relate to adjacent structures. (Figure 6-5) This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority.
3. Ground floors shall be a minimum of 12 feet from floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height. However, the first-floor height of additions may align with the first-floor height of the existing building. (Figure 6-5)
4. On both A and B Street facades, buildings over six stories shall have a recess line of at least ten feet above the third story and below the seventh story. The recess line should relate to the form of any buildings adjacent to or across the street from the building. The ~~Downtown Design Review Committee~~ permitting authority may grant a waiver to allow a building in excess of six stories not to have 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. (Figure 6-5)

FIGURE 6-5



B. Building Materials

1. The primary exterior finish materials on the facade shall be brick, limestone, sandstone, granite, terra cotta, cast stone, glass, metal, painted wood, cement-based composites, phenolic resin-based composites, or other similar material.
2. The use of non-durable materials such as vinyl and other similar products is prohibited on the first floor and discouraged on upper floors.
3. Exterior insulating finish systems (EIFS) is permitted on the ground floor by waiver from the Downtown Design Review ~~Committee~~ permitting authority. An application for waiver under this subsection shall be approved provided that the following conditions are satisfied:
 - a. Only EIFS that include an integral air and moisture barrier is permitted.
 - b. So that it is impact resistant, for areas up to 8 feet above grade, the EIFS shall include a base mesh layer weighing a minimum 20 oz./sq. yd., followed by a second mesh layer weighing a minimum of 4 oz./sq. yd. For all areas exposed to direct impact higher than 8 feet above grade (such as balconies), the use of a single layer of reinforcing mesh with a minimum weight of 12 oz./sq. yd. is required.
 - c. The material shall be an aesthetically-appropriate facsimile of stone, brick, stucco, metal panel, or other traditional building material.
 - d. Removal or covering of historic features in order to install EIFS shall be prohibited.

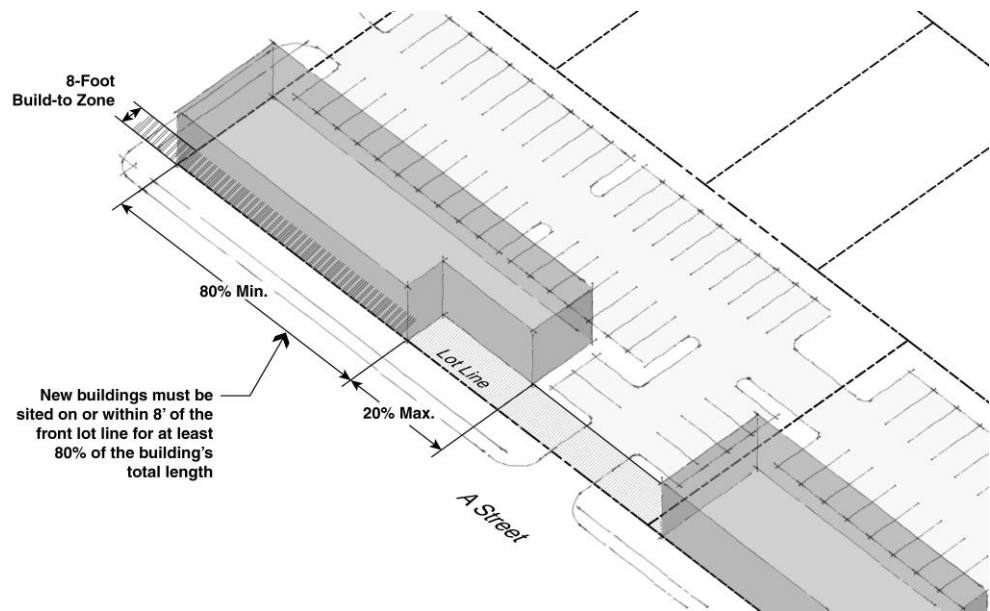
C. Entrance Design

1. Buildings shall have their main entrance from a sidewalk on an A Street, or if the building has no A Street frontage, on a B Street.
2. Buildings shall be designed to have multiple entrances, with no more than 35 feet between entrances. This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority.

D. Façade Design

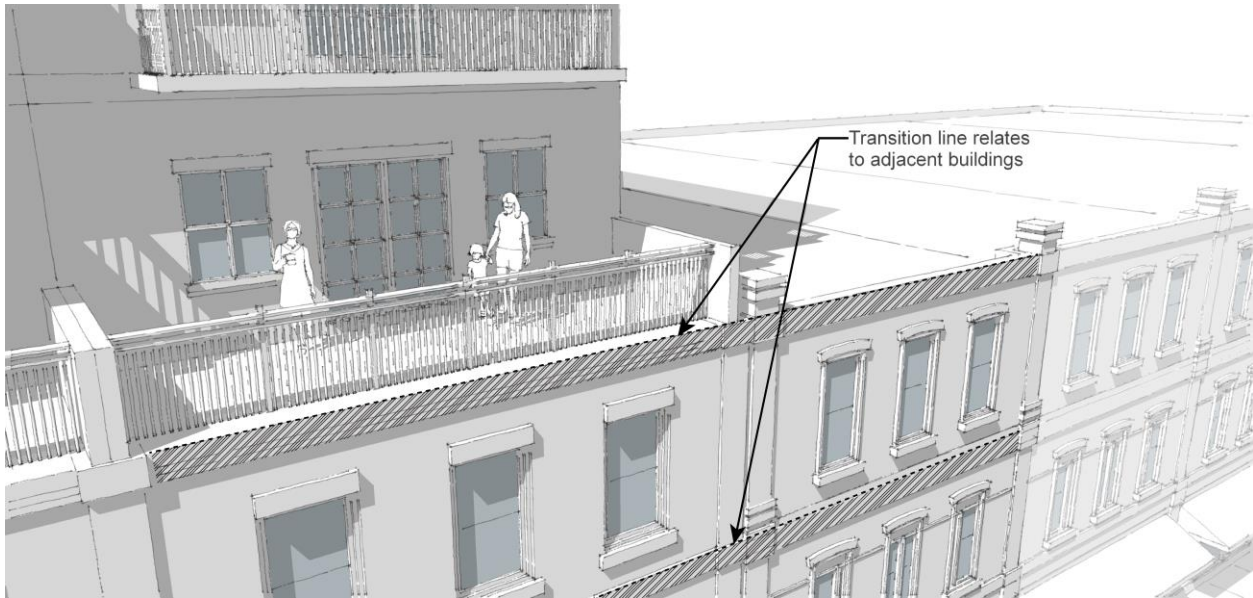
1. Building facades shall be built within a build-to zone of between zero and eight feet from the street line. Such facades shall occupy this build-to zone for at least 80% of each lot frontage of the property. These provisions may be waived to create court yards, wider sidewalks, open space, and/or outdoor seating. It is preferable that such areas contribute to a planned network of connected pedestrian and bike ways and parks. These provisions may also be waived to create accessory parking areas along B Streets developed in accordance with Section 604.G.4. (Figure 6-6)
 - a. Where the lot frontage is curved, the facade shall follow. The ~~Downtown Design Review Committee~~ permitting authority may grant a waiver to permit the building to be built on the chord or the tangent. ~~This provision may be waived by the Downtown Design Review Committee.~~

FIGURE 6-6



2. 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 to create a distinction between upper and lower stories. Transition lines shall relate to existing adjoining buildings (Figure 6-7). This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority.

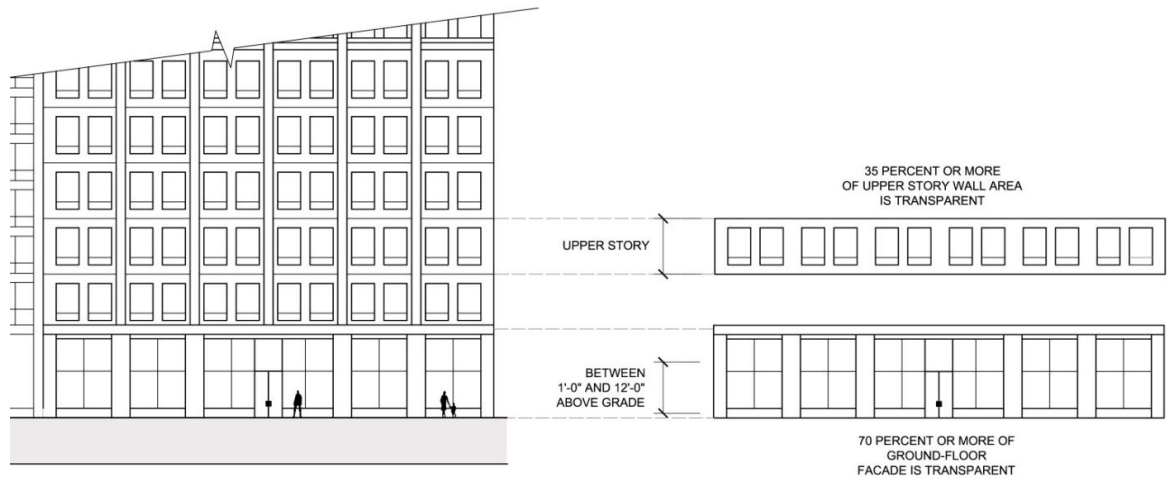
FIGURE 6-7



E. Fenestration Design

1. All building facades shall provide areas of transparency equal to at least 70% of the wall area, between the height of one and 12 feet from the ground, of each building facade. This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority. (Figure 6-8)
2. Blank walls shall be separated by areas of transparency of at least three feet in width. This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority. (Figure 6-8)
3. Upper story façade shall provide areas of transparency equal to at least 35% of the wall area of the story. For parking structures, the area of transparency may be met with windowless openings. This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority. (Figure 6-8)
4. Windows shall only be composed of clear or lightly tinted glass. Highly reflective window coatings are prohibited.

FIGURE 6-8

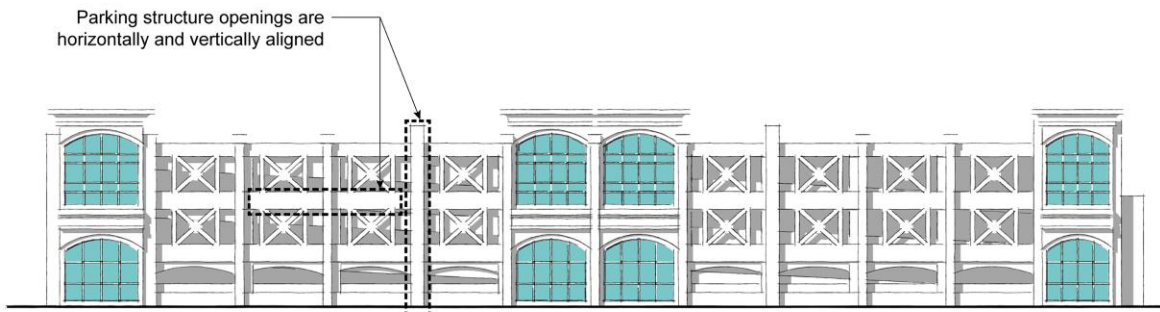


F. Parking Structure Design

The following design standards apply to the construction of new parking structures, and may be waived by the ~~Downtown Design Review Committee~~ permitting authority.

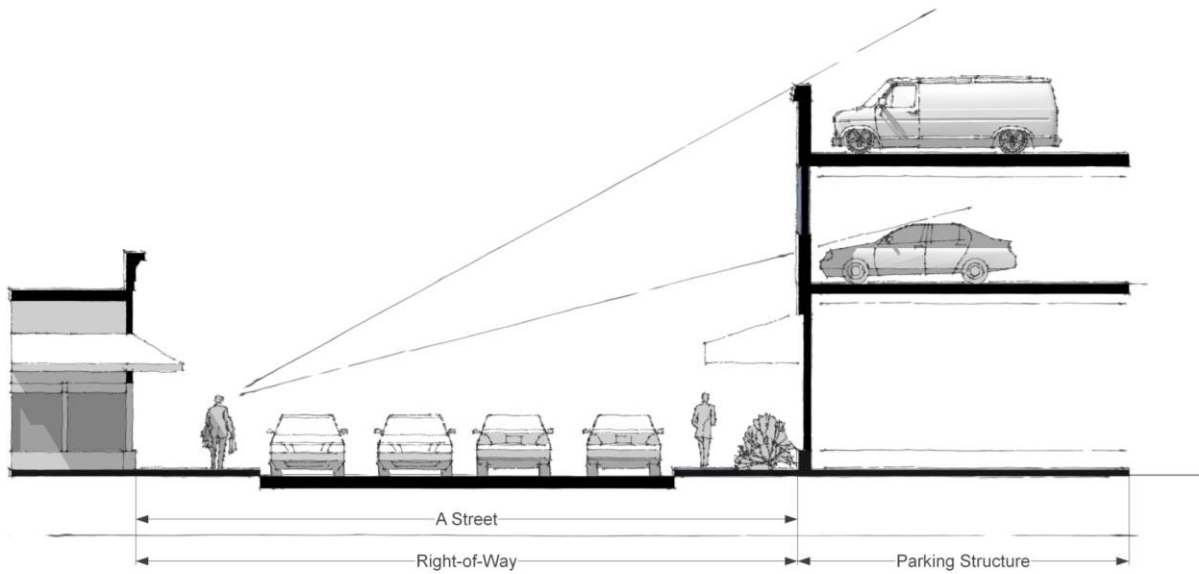
1. Parking structure openings which face any street shall be horizontally and vertically aligned. (Figure 6-9)

FIGURE 6-9



2. Parking structure access ramps shall not be exposed on A Street facades.
3. Parking structure facades shall conceal from view the entirety of all parked vehicles from view of a pedestrian from within the portion of right-of-way of an A Street abutting the property containing the parking structure. (Figure 6-10)

FIGURE 6-10



607 GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Article 13 for additional site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Article 14 for off-street parking and loading standards.

C. Trees and Landscaping

See Article 15 for landscape requirements.

D. Signs

See Article 16 for sign standards.

ARTICLE 12. USES

- 1200 GENERAL REGULATIONS
- 1201 USE MATRIX
- 1202 PRINCIPAL USE STANDARDS
- 1203 TEMPORARY USE STANDARDS
- 1204 USE DEFINITIONS

1200 GENERAL REGULATIONS

- A. No structure or land may be used or occupied unless allowed as a permitted or special use within the zoning district.
- B. In the W-3 District, all permitted and special uses shall be part of a marine enterprise or dependent on access to the waterfront.
- C. All uses shall comply with any applicable federal and state requirements and any regulations of the Providence Code of Ordinances.
- D. Noncompliance with any of the use standards of Section 1202 and any conditions imposed as a part of the approval of a special use or any other zoning approval is considered a violation of this Ordinance and subject to enforcement provisions.
- E. §45-24-37 of Rhode Island General Laws permits the following uses within all residential districts of a municipality and all industrial and commercial districts except where such uses are prohibited for public health or safety reasons. Therefore, if any such use is not permitted by right or by special use permit, as indicated in the use matrix, it is presumed to be prohibited for health or safety reasons. For the purposes of this Ordinance, this permission includes any amendments to the general laws that modify such list. All uses permitted by Rhode Island General Laws shall meet any required standards of the general laws. For reference purposes, these uses include:
 - 1. ~~One-An~~ accessory dwelling unit in an owner-occupied, ~~single-family~~ residence is permitted as a reasonable accommodation ~~only~~ for family members with disabilities or who are 62 years of age or older, ~~or to accommodate other family members. The appearance of the structure shall remain that of a single-family residence and there shall be an internal means of egress between the principal unit and the accessory family dwelling unit. If possible, no additional exterior entrances should be added. Where additional entrance is required, placement should generally be in the rear or side of the structure. When the structure is serviced by an individual, sewage disposal system, the applicant shall have the existing or any new system approved by the department of environmental management. The zoning enforcement officer shall require that a declaration of the accessory family dwelling unit for the family member, or members, and its restrictions be recorded in the land evidence records and filed with the zoning enforcement officer and the building official. Once the family member, or members, with disabilities or who are 62 years of age or older, no longer reside(s) in the premises on a permanent basis, or the title is transferred, the property owner shall notify the zoning official in writing, and the accessory family dwelling unit shall no longer be permitted, unless there is a subsequent, valid application.~~ When used in this section the terms "people with disabilities" or "member, or members, with disabilities" means a person(s) who has a physical or mental impairment that substantially limits one or more major life activities, as defined in §42-87-1(7) of the Rhode Island General Laws.
 - 2. Community residences – Type I.
 - 3. Family day care homes.
 - 4. Plant Agriculture is a permitted use within all districts, including all industrial and commercial zoning districts, except where prohibited for public health or safety reasons or the protection of wildlife habitat. Plant Agriculture does not include Compassion Center/Cultivation Center.
 - 5. Temporary mobile and manufactured homes when a residence is rendered uninhabitable by virtue of a casualty for use and occupancy of the former occupants.

F. Prohibited Uses

1. Any use that is not included in the use matrix is prohibited in all districts.
2. The following uses are expressly prohibited in all districts.
 - a. Billboard/outdoor advertising.
 - b. Halfway house.
 - c. Industrial uses of the following types: abrasive, asbestos and miscellaneous nonmetallic mineral product manufacture; acid manufacture; agricultural chemicals including fertilizer manufacture; bulk storage of liquefied natural gas; bulk storage of liquid propane gas; cement, lime, gypsum or plaster of paris manufacture; creosote manufacture or treatment; drop forge industries; glue manufacture; leather and fur tanning and finishing; manufacture and storage of explosives; manufacture of noxious or toxic gases and chemicals; nuclear industries manufacturing; petroleum refining; primary metal industries; processing of sauerkraut, vinegar or yeast; pulp mills and paper mills; rendering or refining of fats or oils; rubber or gutta percha manufacture or treatment; tobacco and tobacco products manufacture.
 - d. Landfill and garbage dump including offal or dead animal.
 - e. Prison/correctional institution.
 - f. Racetrack.
 - g. Slaughterhouse, excluding the killing of fowl.
 - h. Stock yard/feeding pen.
 - i. Waste incineration facility
 - j. Self-Storage Facility

1201 USE MATRIX

Table 12-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district. P indicates that the use is permitted in the district. S indicates that the use is a special use in the district and requires a special use permit. If a cell is blank, the use is not allowed in the district. In the case of temporary uses, a P indicates the temporary use is allowed in the district and requires approval of a temporary use permit. All uses shall comply with the use standards of Sections 1202 and 1203, as applicable, as well as all other regulations of this Ordinance. For accessory uses, please see Sections 1302 and 1303.

Table 12-1: Use Matrix
Key: P = Permitted // S = Special Use

Use	R-1A	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	PS	OS	CD	Use Standard	
Adult Use													P	P								Sec. 1202.A
Amusement/Entertainment/Sports Facility - Indoor							<u>SP</u>	P	P	P	P		<u>SP</u>		P		P	P	P			
Amusement/Entertainment/Sports Facility - Outdoor								<u>SP</u>	P		<u>SP</u>		<u>SP</u>		<u>SP</u>		P	P	P			
Animal Care Facility							P	P	P	S	P		P		P							Sec. 1202.B
Apartment Dormitory										P							P					
Art Gallery						P	P	P	P	P	P				P		P					
Arts Studio						P	P	P	P	P	P				P		P					
Automated Teller Machine - Standalone							P	P	P	P	P	P	P	P	P	P	P					Sec. 1202.C
Bar							S	P	P	P	P		P		P		P					Sec. 1202.D
Bed and Breakfast				S	S	P	P	P	P	P	P				S							Sec. 1202.E
Body Modification Establishment							P	P	P	P	P				P							
Broadcasting Facility TV/Radio - With Antennae									P				P		P		P					
Broadcasting Facility TV/Radio - Without Antennae							P	P	P	P	P		P		P		P					
Car Wash									S				S									Sec. 1202.F
Cemetery																				P		
Community Center	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P				
Community Residence – Type I	P	P	P	P	P	P	P	P	P	P	P				P	P	P					Sec. 1200.E & 1202.G
Community Residence – Type II	S	S	S	S	P	P	P	P	P	P	P				P	P	P					<u>Sec. 1202.G</u>
Compassion Center/Cultivation Center									S				P									Sec. 1202.EE
Conservation Area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Contractor Storage Yard									S			P	P	P								Sec. 1202.H
Country Club	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>														<u>S</u>	<u>P</u>	<u>S</u>	
Cultural Facility	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P			
Day Care - Day Care Center, up to 8 people receiving day care	P	P	P	P	P	P	P	P	P	P	P		P		P							Sec. 1202.I
Day Care - Day Care Center, 9 to 12 people receiving day care	S	S	S	S	S	S	P	P	P	P	P		S		P	P	P					Sec. 1202.I
Day Care - Day Care Center, more than 12 people receiving day care						S	P	P	P	P	P		P		P	P	P					Sec. 1202.I
Day Care - Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P				P	P	P					Sec. 1200.E & 1202.I
Drive-Through Facility								S	P				S	S	S							Sec. 1202.J
Dwelling – Accessory Dwelling Unit	P	P	P	P	P	P									P	P	P					Sec. 1200.E
<u>Dwelling – Adaptive Reuse</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>					<u>Sec. 1202.K</u>

Table 12-1: Use Matrix
Key: P = Permitted // S = Special Use

Use	R-1A	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	PS	OS	CD	Use Standard	
																						&1202.L
Dwelling - Multi-Family					P	P	P	P	P	P	P				P	P	P					Sec. 1202.K
Dwelling - Rowhouse				P	P	P	P	P	P	P	P				P	P	P					Sec. 1202.K
Dwelling - Semi-Detached			P	P	P	P										P	P					Sec. 1202.L
Dwelling - Single-Family	P	P	P	P	P	P				P						P	P					Sec. 1202.L
Dwelling - Three Family				P	P	P	P	P	P	P	P				P		P					Sec. 1202.L
Dwelling - Two-Family			P	P	P	P	P	P	P	P					P		P					Sec. 1202.L
Educational Facility - Primary or Secondary	P	P	P	P	P	P	P	P	P	P	P				P		P	P				Sec. 1202.M
Educational Facility - University or College							S	S	S	S					S		P					Sec. 1202.N
Educational Facility - Vocational							P	P	P	P	P	<u>SP</u>	P	<u>SP</u>	P							
Electric Vehicle Charging Station (Principal Use)								S	P		S	P	P	P	S		S					Sec. 1202.O
Financial Institution/Bank							P	P	P	P	P		P		P							
Fraternity/Sorority																	P					
Freight Terminal												P	P	P								
Funeral Home								S	S													Sec. 1202.GG
Gas Station								S	P		S	P	P	P	S							Sec. 1202.P
Golf Course/Driving Range	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>										<u>S</u>			<u>S</u>	<u>P</u>	<u>S</u>	<u>P</u>	
Government Office							P	P	P	P	P	P	P	P	P			P	P			
Greenhouse/Nursery - Retail								<u>SP</u>	P				P		P							
Group Quarters					<u>S</u>		P	P	P	P	P				<u>PS</u>							
Healthcare Institution							S	S	P	S			P		P	P						Sec. 1202.N
Heavy Retail, Rental and Service									P				P	P	P							
Helipad								<u>S</u>	<u>S</u>	<u>S</u>		S	S	S		S	S	S	S			1202.HH
Heliport												S	S	S		S						1202.HH
Hotel/Motel							P	P	P	P	P				P	P	P					
Industrial - Artisan								<u>SP</u>	P	P	<u>SP</u>	P	P	P	P							
Industrial - General												P	P	P	P							
Industrial - Light									P			P	P	P	P							
Industrial Design							P	P	P	P	P	P	P	P	P							
Live Entertainment - Ancillary Use									S	S	S		P		P		P					Sec. 1202.Q
Live Performance Venue									S	S			S		S							Sec. 1202.Q
Lodge/Meeting Hall	S	S	S	S	S	P	P	P	P	P	P		P		P							Sec. 1202.R
Marina - Commercial											P	P	P	P				P	P			
Marina - Recreational											P		P		P			P	P			

Table 12-1: Use Matrix
Key: P = Permitted // S = Special Use

Use	R-1A	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	PS	OS	CD	Use Standard	
Materials Processing												P	P	P								Sec. 1304 & 1202.S
Medical/Dental Office						P	P	P	P	P	P		P		P	P	P					
Micro-Brewery/Distillery/Winery								<u>SP</u>	P	<u>SP</u>	<u>SP</u>		P		P							
Movie Studio									<u>SP</u>	P			P		P							
Neighborhood Commercial Establishment			S	S	S	<u>SP</u>																Sec. 1202.T
Nightclub									S	S			S		S							Sec. 1202.Q
Office						P	P	P	P	P	P	P	P		P	P	P	P				
Outdoor Dining				S	S	S	P	P	P	P	P		P		P	P	P					Sec. 1202.U
Outdoor Market							P	P	P	P	P				P							
Park/Playground	P	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P			
Parking Lot (Principal Use)				<u>S</u>	S	S	S	S	S		S	S	S	S	S	P	P	S				Sec. 1202.V
Parking Structure (Principal Use)							S	P	P	P	P	P	P		P	P	P	P	P			Sec. 1202.V
Passenger Terminal									P	P	P	P	P	P	P							
Personal Service Establishment						<u>SP</u>	P	P	P	P	P	P	P		P	P	P					
Place of Worship	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P				
Plant Agriculture	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P			Sec. 1200.E & 1202.W
Power Plant										S		P		P		S	S					1202.FF
Public Safety Facility	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	P	P	P	P	P	P	P	P	P	P	P	P				
Public Works Facility								P	P			P	P	P	P			P				
Reception Facility								P	P	<u>SP</u>	P				P							
Rehabilitation Center								S	S	P	S		P			P	S					1202.X
Research and Development							<u>SP</u>	<u>SP</u>	<u>SP</u>	P	<u>SP</u>	P	P	P	P	P	P					
Residential Care Facility					S		P	P	P	P	P				S	P						Sec. 1202.X
Restaurant - 3,500sf or less GFA							P	P	P	P	P	P	P	P	P	P	P					
Restaurant - more than 3,500sf GFA							<u>SP</u>	P	P	P	P		P		P	P	P					
Retail Goods Establishment - 3,500sf or less GFA							P	P	P	P	P	P	P	P	P	P	P					
Retail Goods Establishment - More than 3,500sf GFA							<u>SP</u>	P	P	P	P	P	P		P	P	P					
Retail Sales of Alcohol								P	P	P	P		P		P							
Ship and Boat Building/Repair											<u>SP</u>	P	P	P	P							
Solar Energy System (Principal Use)											<u>PS</u>	<u>PS</u>	P	P	P							Sec. 1202.Y

Table 12-1: Use Matrix
Key: P = Permitted // S = Special Use

Use	R-1A	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	PS	OS	CD	Use Standard	
Specialty Food Service							<u>SP</u>	P	P	P	P		P	P	P							
Storage Yard - Outdoor												P	P	P								Sec. 1202.H
Tank Farm												P		P								Sec. 1202.Z
Transitional Shelter								S	S	S			S									Sec. 1202.II
Utility	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	S	S			Sec. 1202.FF
Vehicle Dealership/Repair/Service								S	P				P	P	P							Sec. 1202.AA
Vehicle Operation Facility									P				P	P								Sec. 1202.BB
Vehicle Rental								S	P	S	P		P	P	P							Sec. 1202.AA
Warehouse									<u>SP</u>		P	P	P	P	P							
Waste Facility												P		P								
Wholesale Establishment - Fully Enclosed									<u>SP</u>		P	P	P	P	P							
Wind Energy System (Principal Use)											S	P	P	P			S					Sec. 1202.CC
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S	S			Sec. 1202.DD
TEMPORARY USE																						
Farmers Market	P	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P			Sec. 1203.A
Temporary Contractor's Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					Sec. 1203.B
Temporary Emergency Housing	P	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P			
Temporary Mobile and Manufactured Homes	P	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P			Sec. 1200.E
Temporary Mobile Food Sales						P	P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 1203.C
Temporary Outdoor Entertainment	P	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P			Sec. 1203.D
Temporary Outdoor Sales							P	P	P	P	P		P		P	P	P	P	P			Sec. 1203.E
Temporary Outdoor Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					Sec. 1203.F

1202 PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

A. Adult Use

1. All adult uses shall be located a minimum of 500 feet from any residential use, place of worship, educational facility, park/playground, or cultural facility.
2. An adult use shall be located a minimum of 2,000 feet from any other adult use.
3. No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any public or private right-of-way or any property.

B. Animal Care Facility

1. Exterior exercise areas shall be located in the interior side or rear yard.
2. All overnight boarding facilities shall be located indoors.
3. All animal quarters and exterior exercise areas shall be kept in a clean, dry, and sanitary condition.

C. Automated Teller Machine - Standalone

1. A drive-through standalone Automated Teller Machine (ATM) is subject to the following standards:
 - a. A drive-through standalone ATM is permitted only when a drive-through facility is allowed within the district and separate approval is obtained for the drive-through facility, including compliance with all standards for a drive-through facility.
2. A walk-up standalone Automated Teller Machine (ATM) is subject to the following standards:
 - a. No portion of an ATM shall encroach into the public right-of-way unless an encroachment permit is obtained.

D. Bar

1. When a bar is a special use, the following elements of operation shall be considered:
 - a. Days and hours of operation.
 - b. The size of the establishment.
 - c. Maximum occupancy loads.
 - d. Exterior lighting design.
2. If outdoor seating is part of the establishment, a site plan shall be submitted indicating the total floor area of outdoor seating, and the general location of seats, tables, and other furniture proposed for outdoor seating.

E. Bed and Breakfast

1. The exterior of a bed and breakfast shall maintain its original appearance as a dwelling. No parking shall be located in front of the front building line.
2. Cooking facilities are prohibited in individual guest rooms.
3. If meals are provided, only registered guests may be served.
4. Leasing of a common dining area for social events is prohibited.
5. Guest stays are limited to a maximum of 14 consecutive days.

F. Car Wash

1. Car wash facilities shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting shall be planted linearly every three feet on-center along such fence or wall.
2. The site shall be graded to drain away from adjoining properties.
3. All structures shall be designed with windows that allow for visibility to all parts of the site.

G. Community Residence

Community residences shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements. Community residences shall be provisionally licensed by the state when considered as a use by the City. Community residences in residential zones shall meet the design standards for single family dwellings of Section 1202.L.

H. Contractor Storage Yard and Storage Yard - Outdoor

1. The storage area shall be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress. Fences or walls along the front or corner side lot line shall be set back a minimum of 3 feet. Within that setback, one shrub a minimum of three feet in height shall be planted linearly every three feet on-center along such fence or wall.
2. Storage of any kind is prohibited outside the fence or wall. No items stored within 30 feet of the fence or wall may exceed the height of the fence or wall.
3. The storage area should be located to the rear of the lot if possible. Any structures shall be located towards the front of the lot, in compliance with the front yard of the underlying zoning district.
4. Outdoor storage areas shall be surfaced and graded to drain all surface water.

I. Day Care - Day Care Center and Family Day Care Home

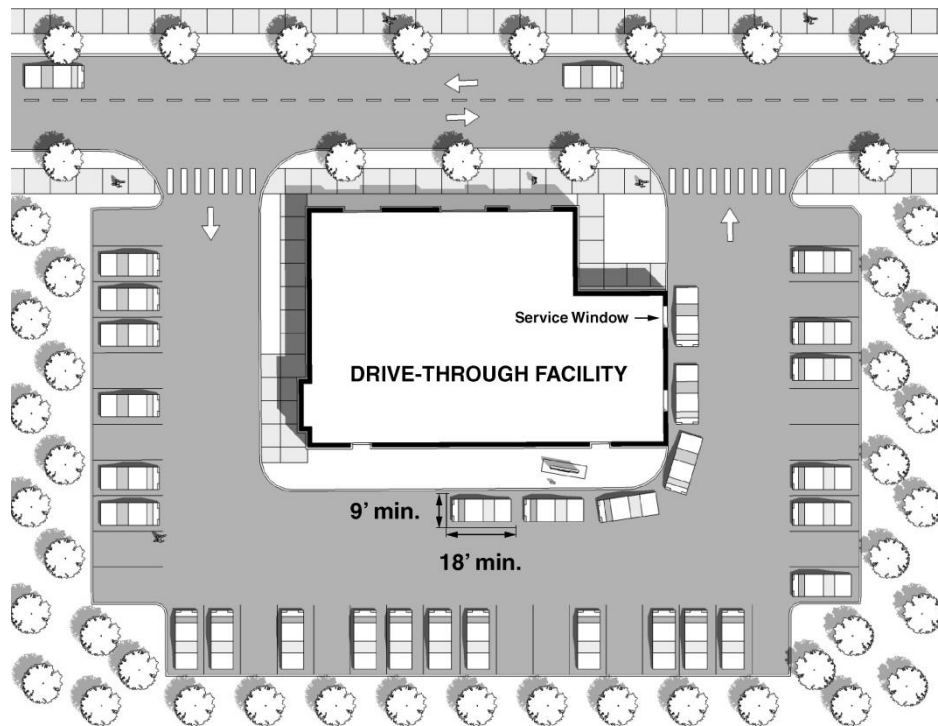
1. Each day care shall comply with all applicable state and federal regulations.
2. The operator of a day care center shall be licensed by the state.
3. If a day care is located in a dwelling unit, no more than 50% of the GFA of the dwelling unit may be devoted to day care and no more than one person who does not reside in the unit is employed by the day care.

J. Drive-Through Facility

1. All drive-through facilities shall provide a minimum of three stacking spaces per lane or bay, unless additional stacking spaces are required specifically by this Ordinance. Stacking spaces provided for drive-through uses shall be: (Figure 12-1)

- a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement shall be taken from the building wall.
 - b. Stacking spaces shall begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menuboard). Spaces shall be placed in a single line behind each lane or bay.
2. All drive-through lanes shall be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots shall not route exiting traffic into adjacent residential neighborhoods.
 3. Drive-through facilities shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting shall be planted linearly every three feet on-center along such fence or wall. This standard does not apply to drive-through facilities within multi-tenant retail centers.

FIGURE 12-1



K. Dwelling: Multi-Family or Rowhouse

1. Façades shall be designed with consistent materials and treatments that wrap around all street-facing façades. There shall be a unifying architectural theme for the entire multi-family or rowhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure. (Figure 12-2)
2. Building facades shall include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade. (Figure 12-2)
3. The following minimum transparency requirements apply to any façade facing a street and are calculated on the basis of the entire area of the façade:
 - a. Rowhouse Dwelling: 15%
 - b. Multi-Family Dwelling: 25%
4. Flat roofs shall include cornices, parapets, or similar architectural details to add variety and break up the roofline.
5. There shall be a minimum separation of 15 feet between sidewalls of rowhouse developments. Where the front or rear wall of a rowhouse faces the front or rear wall of another rowhouse, the minimum required separation between such buildings shall be 30 feet. Driveways and parking areas may be located within this minimum separation area. (Figure 12-2)

FIGURE 12-2



6. A dwelling unit in a multi-family dwelling or rowhouse dwelling may be used as a short-term rental, subject to the following standards:
 - a. Properties used as short-term rentals in the R-1A, R-1, R-2, and R-3 zoning districts must be owner-occupied.
 - b. The owner must supply all of the following within the dwelling unit:
 - i. Visible printed materials with diagrams of all points of egress, written in both English and Spanish.

- ii. Clearly marked visible fire extinguisher(s).
- c. Dwelling units used as short-term rentals shall require a temporary use permit, the term of which shall be one year. Short-term rental of portions of dwelling units, where the owner is present and living in the dwelling unit during the entire term of the rental, are not subject to this provision.

7. Adaptive Reuse for the conversion of any commercial or industrial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments shall be permitted subject to the following standards:

- a. There are no prohibitions preventing the conversion to residential use by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.
- b. The conversion shall include the development of at least 50% of the existing gross floor area into residential units.
- c. Non-residential uses may be provided if they are permitted by right or special use in the zoning district pursuant to Table 12-1.
- d. The residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing.

L. Dwelling: Single-Family, Two-Family, Three-Family, or Semi-Detached

1. A dwelling shall have a primary entrance either on the façade facing the front lot line or visible from the public right of way. (Figure 12-3)
2. The front entry shall have a minimum elevation of two feet above grade.
3. Windows, entrances, porches, or other architectural features are required on any facades to avoid the appearance of blank walls.
4. A 15% minimum transparency requirement applies to any façade and is calculated on the basis of the entire area of the façade.
5. In the R-1A and R-1 districts, a single-family dwelling, that is non-owner occupied, shall not be occupied by more than three college students.
6. A dwelling unit in a single-family, two-family, three family, or semi-detached dwelling may be used as a short-term rental, subject to the following standards.
 - a. Properties used as short-term rentals in the R-1A, R-1, R-2, and R-3 zoning districts must be owner-occupied.
 - b. The owner must supply all of the following within the dwelling unit:
 - i. Visible printed materials with diagrams of all points of egress, written in both English and Spanish.
 - ii. Clearly marked visible fire extinguisher(s).
 - c. Dwelling units used as short-term rentals shall require a temporary use permit, the term of which shall be one year. Short-term rental of portions of dwelling units, where the owner is present and living in the dwelling unit during the entire term of the rental, are not subject to this provision.

7. Adaptive Reuse for the conversion of any commercial or industrial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments shall be permitted subject to the following standards:

- a. There are no prohibitions preventing the conversion to residential use by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.
- b. The conversion shall include the development of at least 50% of the existing gross floor area into residential units.
- c. Non-residential uses may be provided if they are permitted by right or special use in the zoning district pursuant to Table 12-1.
- d. The residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing.

FIGURE 12-3



M. Educational Facility - Primary or Secondary

1. Development Plan Review

For primary or secondary educational facility campuses with two or more existing or planned principal buildings in a residential district, Development Plan Review by the City Plan Commission is required in accordance with Section 1906. A plan of development shall be submitted that includes the following:

- a. An existing conditions site plan for the entire site that identifies the location, square footage, and building heights of all existing structures, outdoor recreation areas, parking facilities, and general uses.
- b. A development plan for the entire site that identifies the location, square footage, and building heights of:
 - i. All planned new structures.
 - ii. All planned additions to existing structures of more than 25% of gross floor area or 2,500 square feet of gross floor area, whichever is less.
 - iii. All planned new or reconfigured parking facilities.

- iv. All planned new outdoor facilities.
- c. A sign plan for the campus.
- d. A lighting plan for the campus.
- e. Internal traffic circulation plans, including vehicular ingress and egress locations, pedestrian circulation, and bicycle circulation. Student pick-up locations shall also be shown.
- f. A parking and traffic impact analysis, including the location and capacity of all off-street parking and loading spaces, and estimates of traffic load impact on the surrounding public street system.
- g. Proposed demolition of any structure, parking garage, parking lot, park, or any other campus facility.
- h. Any proposed activity that would require an action by the Zoning Board of Review or City Council to implement.
- i. An inventory of tree canopy and landscaping on the campus, and provisions for coming into conformance or maintaining conformance with this Ordinance.

2. Exceptions to Development Plan Review

The following development actions are permitted when they conform to the standards of this Ordinance and do not require Development Plan Review:

- a. Primary or secondary educational facilities consisting of a single principal use building.
- b. Construction of new structures of 2,000 square feet of gross floor area or less that are adjunct to and support an existing use on campus.
- c. Additions to existing structures of less than 25% of the existing gross floor area or 2,500 square feet in gross floor area, whichever is less.
- d. New parking facilities of 10 or fewer parking spaces.
- e. Creation or expansion of any bicycle parking facilities.
- f. Creation or expansion of open space, and alternate landscape designs and stormwater management techniques.
- g. Façade renovation to an existing structure.
- h. Interior renovations to an existing structure.

3. Development Plan Review Waivers

The City Plan Commission as part of Development Plan Review may waive regulations pertaining to the maximum number of buildings on a lot, front setback, restrictions on the maximum number of driveways, sign area, and the location of paved area.

N. Educational Facility – University or College and Healthcare Institution

All educational facilities – university or college and health care institutions are required to submit an Institutional Master Plan for approval in accordance with Section 1910.

O. Electric Vehicle Charging Station (Principal Use)

- 1. Structures, including charging islands and any other equipment, shall be set back a minimum of 20 feet from side and rear lot lines. Structures are exempt from any setback or build-to lines required by the district.

2. The access driveway shall be a minimum of 20 feet from any adjoining property line, from any intersecting street line, or any other driveway. No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are restricted to one curb cut per street frontage.
3. Each charging station shall be posted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations shall be included if time limits of tow away provisions are enforced by the owner. Information identifying voltage and amperage levels or safety information shall be posted.
4. The minimum distance between the canopy and the curb line shall be 12 feet and 20 feet from any interior lot line.
5. Electric vehicle charging stations as an accessory use are regulated separately in Article 13.

P. Gas Station

1. Gas stations require staff level Development Plan Review.
2. Gas stations shall meet the following minimum lot requirements: lot area of 12,000 square feet, lot depth of 100 feet, and lot width of 120 feet.
3. Structures and all pump islands, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from side and rear lot lines. Structures are exempt from any setback and build-to lines required by the district.
4. No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are restricted to one curb cut per street frontage.
5. The minimum distance between the canopy and the curb line shall be 12 feet and 20 feet from any interior lot line.
6. Underground tanks shall meet the following requirements:
 - a. The maximum storage capacity for petroleum products is 42,000 gallons.
 - b. The minimum separation required between underground tanks, adjoining buildings, and lot lines is ten feet. Structures 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.
7. Motor vehicle repair is permitted as part of a gas station use. However, repair work is limited only to minor repair work, such as tire or tube repairing, battery changing, lubrication, engine tune-ups, brake and muffler repair or replacement, and similar types of work. Minor repair work does not include replacement of engines, replacement of transmissions, or any body work.
8. All repair work shall be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.

Q. Live Entertainment - Ancillary Use, Live Performance Venue, or Nightclub

1. Live entertainment - ancillary use is considered a separate principal use. Live entertainment – ancillary use may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar, restaurant, amusement facility, or arts studio.
2. When a live entertainment – ancillary use, live performance venue, or nightclub is a special use, the following elements of operation shall be considered, in addition to the special use standards:
 - a. The noise abatement plan, including any plans for outdoor entertainment.
 - b. The security plan.

- c. The size of the establishment and the size, location and configuration of the live entertainment area within the establishment.
- d. Maximum occupancy loads.
- e. For live entertainment – ancillary use, the days and hours of operation for the establishment’s general operations as a standard restaurant or bar, and the anticipated days and hours of operation for the live entertainment component.
- f. Loading areas.

R. Lodge/Meeting Hall

- 1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
- 2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only.
- 3. Sleeping facilities are prohibited.
- 4. Lodges/meeting halls leased or used as reception halls shall comply with the requirements for reception halls.

S. Materials Processing

- 1. Materials Processing requires Development Plan Review by the staff level Development Plan Review Committee.
- 2. The materials processing area shall be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress. Fences or walls along the front or corner side lot line shall be set back a minimum of 3 feet. Within that setback, one shrub a minimum of three feet in height shall be planted linearly every three feet on-center along such fence or wall.

T. Neighborhood Commercial Establishment

- 1. Neighborhood commercial establishments are only allowed within existing structures that are non-residential in their construction and/or use as of the effective date of this Ordinance.
- 2. The following non-residential uses are permitted within a neighborhood commercial establishment:
 - a. Art Gallery
 - b. Arts Studio
 - c. Office
 - d. Personal Service Establishment
 - e. Restaurant (Live Entertainment— Ancillary Use prohibited)
 - f. Retail Goods Establishment (Retail Sales of Alcohol prohibited)
- 3. No off-street parking is required. However, any off-street parking currently provided shall be maintained.
- 4. Drive-through facilities are prohibited.
- 5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses shall be located within the structure.

6. Signs are limited to those allowed in the C-1 District.

U. Outdoor Dining

1. Outdoor dining shall not interfere with any pedestrian access or parking spaces and aisles.
2. Outdoor dining areas shall be located on private property unless an encroachment permit is approved to allow outdoor dining in the public right-of-way, per Section 1914. The encroachment permit shall include a plan that illustrates where outdoor dining furniture will be located within the public right-of-way.
3. The Director of Public Works may require such seating areas to be delineated through paint or structures to prevent unauthorized encroachments.
4. An outdoor dining area for an establishment shall be as continuous as possible by locating the outdoor dining area in a single portion of an establishment's frontage.
5. When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the front façade, whichever is less, designated as outdoor dining within a maximum setback of 25 feet from the required build-to line.
6. Outdoor Dining in the R-3 and R-4 zones shall only be permitted by special use permit for Neighborhood Commercial Establishments and shall cease operation by 10 P.M. Any outdoor dining located in zones besides the R-3 and R-4 zones, within 200 feet of a residential district lot line, shall cease operation by 11 P.M. This provision shall not apply to sidewalk seating on Atwells Avenue between Bradford Street and Harris Avenue.

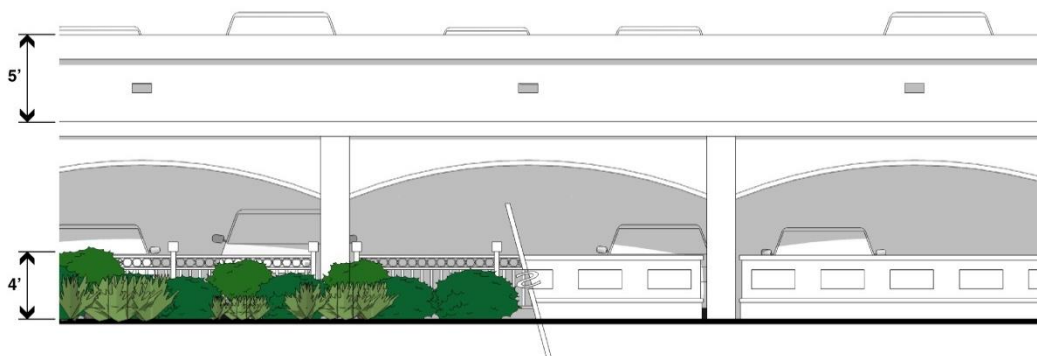
V. Parking Lot and Parking Structure (Principal Use)

All parking structures and parking lots are subject to the parking design standards of this Ordinance. In addition, parking structures and parking lots are subject to the following standards. For parking lots and structures in the D-1 District and East Side Overlay District, district regulations contain specific regulations for parking lots and structures.

1. Parking Structure

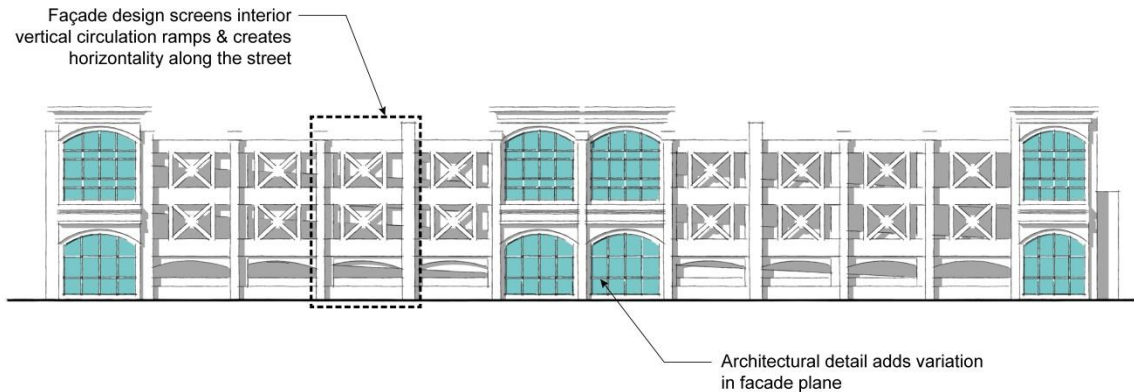
- a. On portions of the ground floor façade along public streets where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall shall be a minimum of four feet in height. (Figure 12-4)

FIGURE 12-4



- b. For parking structures with rooftop open-air parking, a five foot parapet wall is required for screening of parked vehicles.
- c. Where parking structures front on public streets, façade design and screening shall mask the interior circulation ramps and create the illusion of horizontality along the street. (Figure 12-5)
- d. Parking structures shall be designed to minimize blank facades through architectural detailing and landscaping.

FIGURE 12-5



2. Parking Lot

- a. A parking lot shall be used solely for the temporary parking of motor vehicles and shall not be used as an off-street loading area.
- b. Only structures for the shelter of attendants or for payment kiosks shall be permitted in a parking lot. Shelters or kiosks shall not exceed ten feet in height and 50 square feet in area.
- c. The parking lots shall be screened and landscaped in accordance with the requirements of this Ordinance.
- d. Principal use parking lots in residential zones shall not exceed 75% impervious surface.

W. Plant Agriculture

1. Plant agriculture shall be limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
2. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures such as sheds, gazebos, and pergolas are also permitted.
3. Accessory structures and uses for the raising of chickens, fish, and bees are permitted so long as all such structures comply with the accessory structure and use provisions of Section 1302.
4. Farmstands are permitted and are limited to sales of items grown at the site, or items grown by the producer or producer cooperative that operates the site. No resale of items is permitted at farmstands.
5. Farmstands shall be removed from the premises or stored inside a structure on the premises during that time of the year when the use is not open to the public. Only one farmstand is permitted per lot.

X. Residential Care Facility and Rehabilitation Center

1. Residential care facilities and rehabilitation centers shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. A copy of the state license shall be visible at all times.

3. When located in a non-residential district, the structure shall be designed with a lobby entrance along the primary frontage.
4. Residential care facilities [and rehabilitation centers](#) shall meet the design standards for multi-family dwellings.

Y. Solar Energy System (Principal Use)

1. Systems, equipment, and structures are limited to the maximum height of the district.
2. All solar energy system structures shall meet the district setbacks.
3. No grid tied photovoltaic system shall be installed until evidence has provided that the owner has been approved by the utility company to install the system.
4. The facility owner and operator shall, at their sole expense, complete decommissioning of the solar energy system within one year after the end of the useful life of the solar energy system. The solar energy system shall be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days.

Z. Tank Farm

1. Tank Farms require Development Plan Review by the staff level Development Plan Review Committee.
2. Tank Farms shall comply with all federal, state, and local regulations.

AA. Vehicle Dealership/Repair/Service [and Vehicle Rental](#)

1. All repair and service operations shall be performed within a fully enclosed building. All equipment and parts shall be stored indoors.
2. Vehicle dealership/repair/service [and vehicle rental](#) establishments shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of five feet and a maximum of seven feet in height.
3. No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises. This standard does not apply to vehicles under repair.
4. No motor vehicles shall be stored and no repair work shall be conducted in the public right-of-way.

BB. Vehicle Operation Facility

1. All repair and service operations shall be performed within a fully enclosed building with closed garage doors.
2. Outdoor storage is allowed by special use only.

CC. Wind Energy System (Principal Use)

1. The design of the wind energy system shall conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
2. All wind turbines shall be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.
3. All wind energy system shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and

mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.

4. All electrical components of the wind energy system shall conform to applicable local, state, and national codes, and applicable international standards.
5. An engineer's certificate shall be completed by a structural engineer, licensed in the State of Rhode Island, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
6. Wind turbines shall comply with the following design standards:
 - a. Wind turbines shall be a non-obtrusive and non-reflective color. The facility owner or operator shall maintain the paint on wind turbines at all times in good repair.
 - b. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
 - c. Within the wind energy system, wind turbines shall be of a generally consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.
 - d. Wind turbines shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
 - e. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
 - f. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
 - g. A clearly visible warning sign advising persons of the presence of high voltage levels shall be placed at the base of all pad-mounted transformers and substations.
7. The applicant shall commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert having no less than ten years of experience conducting wildlife assessments, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert shall also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application shall be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.
8. Wind turbines shall not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
9. The height of a wind energy system shall be measured from grade to the highest point of a rotor blade when in its uppermost position. Allowable height shall be a function of the setbacks from nearby structures and nearby property lines. Wind turbines shall be set back from all structures on a participating property owner's property a distance of no less than the wind energy system height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the occupied building.
10. All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 110% of the wind energy system height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations shall be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, shall comply with the regulations of the zoning district.

11. All wind turbines shall be set back from the nearest public right-of-way a distance of 110% of the wind energy system height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
12. The facility owner or operator shall comply with all applicable codes and ordinances regulating sound generation. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels, the facility owner or operator shall take necessary measures to bring sound levels down to a level acceptable.
13. Wind Turbine shadow flicker shall not exceed 30 hours per year on any window of an existing residential structure located on a parcel owned by an entity other than the parcel owner where the turbine is to be located.
14. The facility owner and operator shall, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine shall be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.
15. Wind Energy Systems are permitted in the I-2 Zone by special use permit, provided the parcel abuts a W-3 Zone and the Wind Energy System is not less than 1,000 feet from a Residential Zone.

DD. Wireless Telecommunications

1. Purpose

The following standards for wireless telecommunications antennas, facilities, and towers are intended to:

- a. Ensure public health, safety, and welfare.
- b. Ensure access to reliable wireless telecommunications services throughout the City.
- c. Encourage the location of antennas and towers on City-owned property.
- d. Encourage the use of existing towers and other structures for the co-location of wireless telecommunications antenna.
- e. Encourage the location of towers, to the extent possible, in areas where the adverse impact on the City shall be minimal.

2. Application Requirements

In addition to the requirements for a special use, all applications to erect, construct, or modify any part of a wireless telecommunications antenna, facility, or tower shall include the following items:

- a. A site plan showing:
 - i. The location, size, screening, and design of all structures, including fences.
 - ii. The location and size of all outdoor equipment.
 - iii. Elevations showing antenna height.
 - iv. A landscape plan showing all screening.
 - v. If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.

- b. A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, including maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
- c. A disclosure of what is proposed, demonstrating the need for the wireless telecommunications antenna, facility, or tower in the proposed location.
- d. The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives.
- e. The service area of the proposed wireless telecommunications antenna, facility, or tower.
- f. If the proposal is for a new telecommunications tower, then a map showing co-location opportunities within the City and within areas surrounding the borders of the City shall be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g. Certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

3. Setbacks

All wireless telecommunications towers and facilities shall be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

4. Height

The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily. The special use application for approval of a wireless telecommunications tower shall demonstrate the minimum height needed for the tower to function.

5. Lighting and Marking

Wireless telecommunications antennas, towers, and facilities shall not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

6. Specific Standards for Wireless Telecommunications Antennas

Wireless telecommunications antennas are a special use in all districts, unless they are stealth design in which case they are considered a permitted use. Stealth design for wireless antennas is encouraged. All applications for wireless telecommunications antennas shall include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design shall comply with the following regulations:

- a. To qualify as a stealth design, wireless telecommunications antennas shall be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b. Wireless telecommunication antennas shall be mounted at least 40 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design, in addition to meeting the other requirements of this section. Wireless telecommunication antennas mounted lower than 40 feet are considered a special use.
- c. Antennas shall be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls, and steeples, and shall be designed to blend in with the structure. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design.

- d. No antenna may increase the overall height of any structure on which it is mounted by more than five feet. If an antenna exceeds the overall height of any building or structure, it is considered a special use.

7. Specific Standards for Wireless Telecommunications Facilities

- a. Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation shall not be stored on the site. The facility shall be un-staffed.
- b. Signs for the wireless telecommunications facility are limited to ownership and contact information, FCC antenna registration number (if required), and any other information required by government regulation. Commercial advertising is prohibited.

8. Specific Standards for Wireless Telecommunications Towers

- a. The ability for other telecommunications providers to co-locate on a tower is required. Wireless telecommunications towers shall be designed to accommodate other telecommunications providers. The area surrounding a tower shall be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- b. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers shall have a galvanized silver or gray finish.

9. Abandonment

Any wireless telecommunications tower or facility that is not operated for a period of 180 consecutive days is considered abandoned. The owner shall immediately remove the tower or facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.

10. Nonconforming Tower, Antenna, Or Facilities

- a. Ordinary maintenance may be performed on nonconforming tower, antenna, or facilities. However, if the proposed alteration intensifies a nonconforming characteristic, a variance is required.
- b. Co-location of an antenna on an existing nonconforming tower is a permitted use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not intensify the nonconformity.

EE. Compassion Center/Cultivation Center

- 1. No more than the square footage for which the applicant is licensed shall be permitted for the use. The Zoning Board of Review may, in its discretion, limit the use to less square footage than that for which the applicant is licensed.
- 2. Any square footage in the property not devoted to the use must be segregated from the facility by a wall or similar structure.
- 3. The applicant must submit evidence of the following:
 - a. That it has obtained a license or registration to cultivate, acquire and/or dispense in the State of Rhode Island, subject to zoning approval and final inspection of the property by the licensing/registering entity.
 - b. All measures undertaken to contain noise and odors shall demonstrate that it has taken all reasonable measures to contain noise and odors.
 - c. The security plan(s) for the property and the facility.

- d. Staffing numbers for all hours of each day.
 - e. The number of vehicles that will access the facility on a daily or weekly basis.
4. A Compassion Center or Cultivation Center may not be located within ¼ mile from the property line of another Compassion Center or Cultivation Center.
 5. A Compassion Center or Cultivation Center may not be located within 1,000 feet from the property line of a preexisting public or private school.
 6. Setbacks under this section shall be measured from the nearest property line of the Compassion Center or Cultivation Center using a direct line to the nearest property line of the school, other Compassion Center or Cultivation Center.

FF. Utility and Power Plant

1. The utility and power plant shallmay be enclosed by a perimeter fence up to eight feet in height, including ingress and egress.
2. Fences or walls along the front or corner side lot line of the utility and power plant shall be set back a minimum of 5 feet. Within that setback, one shrub a minimum of three feet in height shall be planted linearly every three feet on-center along such fence or wall.

GG. Funeral Home

1. A funeral home shall not provide parking in excess of 135% of the required parking spaces of Table 14-1.
2. A funeral home parking lot shall be screened and landscaped in accordance with the requirements of this Ordinance.

HH. Helipad/Heliport

1. The design and location of helipads and heliports shall meet all applicable requirements of the Federal Aviation Administration.

II. Transitional Shelter

1. A transitional shelter shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of four feet and a maximum of six feet in height.
2. The premises of a transitional shelter, along with all adjacent streets, sidewalks, and alleys within 100 feet, shall be inspected regularly for the purpose of removing any litter or debris found thereon.
3. Transitional shelter guests shall be provided with an enclosed waiting area one hour prior to opening, except when the shelter accepts guests by appointment only or is open 24 hours per day.
4. The operator shall submit a management plan for the facility.

1203 TEMPORARY USE STANDARDS

Temporary uses are required to comply with the use standards of this section, in addition to all other regulations of this Ordinance. These regulations are for temporary uses located on private property. Unless otherwise indicated, all temporary uses require a temporary use permit, which shall be applied for by and issued to the property owner.

A. Farmers Market

The timeframe of a farmers market, including number of days per week and overall duration of the event, shall be determined and approved as part of the temporary use permit.

B. Temporary Contractor's Office

1. A temporary contractor's office is allowed incidental and necessary to a construction project.
2. The temporary use permit is valid for the duration of the building permit, including any extensions.
3. The temporary contractor's office shall be removed within 30 days of completion of the construction project.

C. Temporary Mobile Food Sales

1. The timeframe of a temporary mobile food sales use shall be one year and approved as part of the temporary use permit.
2. The temporary use permit shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. All mobile food establishments operating on the property shall be properly licensed by the Health Department, and/or the Department of Business Regulation, and/or Board of Licenses.
4. Sale of alcohol is prohibited in all zoning districts with the exception of the Downcity Overlay District.
5. All temporary mobile food sales establishments shall cease operation by 10 p.m.
6. During business hours, a trash receptacle shall be provided for customer use and the area shall be kept clear of litter and debris at all times.
7. Additional outdoor seating may be provided by the mobile food sales operator on the site, but no seating may be permanently installed.
8. A permanent water or wastewater connection is prohibited.
9. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
10. Drive-through service is prohibited.
11. A mobile food establishment is limited to signs attached to the exterior of the truck or trailer that shall be mounted flat against the truck or trailer with a maximum projection of six inches, and one A-frame sign. The A-frame sign is subject to the standards for such sign in Article 16.
12. No seating or trash receptacle is permitted to block the public right-of-way.
13. Incidental Entertainment is permitted during hours of operation.

D. Temporary Outdoor Entertainment

1. The timeframe for outdoor entertainment, including number of days per week, hours of operation, and overall duration of the entertainment, shall be determined and approved as part of the temporary use permit. Temporary outdoor entertainment events in residential districts are limited to three events per calendar year on the same lot and a maximum duration of three days per event, with a minimum of 30 days between events.
2. Any temporary structures shall be removed within five days of conclusion of the event.
3. The temporary use permit shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
4. Outdoor entertainment shall not interfere with any pedestrian access or parking spaces and aisles.

5. Outdoor entertainment shall be located on private property unless an encroachment permit is approved to allow outdoor entertainment in the public right-of-way.

E. Temporary Outdoor Sales

1. The timeframe for outdoor sales, including number of days per week, hours of operation, and overall duration of the sale, shall be determined and approved as part of the temporary use permit.
2. The temporary use permit shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. Outdoor sales shall not interfere with any pedestrian access or parking spaces and aisles.
4. Outdoor sales shall be located on private property unless an encroachment permit is approved to allow outdoor sales in the public right-of-way.

F. Temporary Outdoor Storage Container

1. Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed 72 hours with no temporary use permit. If a longer time period is required, a temporary use permit is required.
2. Temporary storage containers shall not be used for permanent storage. They shall not serve as a substitute for permanent storage needs on the site on which they are located. Containers shall not be permanently attached to the ground, serviced with permanent utilities, or stacked on the site.

1204 USE DEFINITIONS

All uses within Section 1200 and Table 12-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

Adult Use. A business that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older. An adult bookstore, adult cabaret, or adult motion picture theater are considered adult uses and are defined as follows:

1. **Adult Bookstore/Retail.** A business which offers for sale or rent any of the following: publications, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, DVD, or other video reproductions, or other visual representations that depict or describe specified sexual activities or specified anatomical areas, or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. **Adult Arcade.** A business where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines are used to show films, motion pictures, video cassettes, DVD, slides, computer generated graphics, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
3. **Adult Cabaret.** A business that features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult cabaret establishments specifically exclude minors, or minors are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages.
4. **Adult Motion Picture Theater.** A business used for presenting motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.
5. **Adult Hotel/Motel.** A hotel or motel or similar business establishment that rents, leases or lets any room for less than a six hour period, or rents, leases or lets any single room more than twice in a 24 hour period.

6. The following definitions describe the sexually-oriented activities contained within the general definitions for the above adult uses:
- a. **Sexually Oriented Devices.** Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.
 - b. **Specified Anatomical Area.** Less than completely and opaquely covered genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if completely and opaquely covered.
 - c. **Specified Sexual Activities.** Any activity that includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts, even if completely or opaquely covered.

Amusement/Entertainment/Sports Facility - Indoor. A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include concession stands.

Amusement/Entertainment/Sports Facility - Outdoor. A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as stadiums, fairgrounds, batting cages, miniature golf courses, and amusement parks. An outdoor amusement facility may include concession stands.

Animal Care Facility. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, and pet boarding facilities, where animals are boarded during the day or for overnight stays. Animal care facilities do not include breeding facilities or kennels.

Apartment Dormitory. A structure used for living and sleeping accommodations with not more than four unrelated persons per dwelling unit, who are affiliated with an educational facility, hospital, or other institutional use.

Art Gallery. An establishment engaged in the sale, loan and/or display of paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

Arts Studio. An establishment where an art, type of art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios that are only open for private sessions with trainers and/or classes.

Automated Teller Machine (ATM) - Standalone. A freestanding machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel.

Bar. An establishment for the sale of alcoholic beverages for consumption on the premises. A smoking lounge or smoking bar is included within this use, whether alcohol is served or not. Snack foods or other prepared food may be available for consumption on the premises as a permitted ancillary use. Incidental entertainment shall be a permissible accessory use within a bar.

Bed and Breakfast. A residential dwelling that provides lodging for a daily fee in guest rooms with no in-room cooking facilities. A bed and breakfast may include dining facilities.

Billboard/Outdoor Advertising. A permanent sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises where the sign is located.

Body Modification Establishment. An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

Broadcasting Facility - TV/Radio. A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

Car Wash. An establishment for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment, whether automatic, by hand, or self-service.

Cemetery. Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment.

Community Center. A facility used as a place of meeting, recreation, or social activity, and not operated for profit, which is open to the public. Community center may also include ancillary day care facilities.

Community Residence – Type I. A home or residential facility licensed by the state pursuant to Rhode Island General Laws Chapter 24 of Title 40.1, where six or fewer children and/or adults with developmental disabilities reside in a family setting and may or may not receive supervised care. This does not include halfway houses or substance abuse treatment facilities.

Community Residence – Type II. A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This does not include halfway houses or substance abuse treatment facilities. This is limited to the following:

1. A group home licensed by the state pursuant to Rhode Island General Laws Chapter 24 of Title 40.1 or Chapter 17.4 of Title 23 providing care or supervision, or both, to not more than eight persons with disabilities or who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living.
2. A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver and licensed by the state pursuant to Rhode Island General Laws Chapter 72.1 of Title 42.
3. A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight 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 60 days nor more than two 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.

Compassion Center/Cultivation Center. A facility operated by an organization or business that is registered/licensed in the state to acquire and dispense medical cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients and/or registered/licensed by the state to perform the necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Conservation Area. Designated open space that preserves and protects natural features, wildlife, and critical environmental features. A conservation area may include opportunities for passive recreation and environmental education.

Contractor Storage Yard. Land and/or structures used primarily for the storage of equipment, vehicles, machinery, or building materials in the conduct of any building trade or building craft and in use by the owner or occupant of the lot in the conduct of his/her building trades or building craft.

Country Club. An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes with indoor and/or outdoor recreation facilities, dining facilities, meeting rooms, and similar uses.

Cultural Facility. A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include retail sales of related items and restaurants as ancillary uses.

Day Care - Day Care Center. Any other day care that is not a family day care home.

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 or less individuals who are not relatives of the care giver, but may not contain~~ more than a total of ~~eight-twelve~~ individuals receiving day care.

Drive-Through Facility. That portion of a business where business is transacted with customers in such a way that allows customers to remain in their vehicle. A drive through facility is approved separately as a principal use.

Dwelling - Accessory Dwelling Unit. ~~A dwelling unit rented to and occupied by one or more people with disabilities or who are 62 years of age or older and who are members of the family of the occupant or occupants of the principal residence. A residential living unit that provides complete independent living facilities for one or more persons on the same parcel where the primary use is an owner-occupied, legally established single-unit or multi-unit dwelling.~~

Dwelling – Adaptive Reuse. A residential or mixed-use structure converted from a previously commercial or industrial building, including offices, schools, religious facilities, medical buildings, and malls.

Dwelling - Multi-Family. A structure or development containing four or more dwelling units used for residential occupancy or one or more dwelling units in combination with a permitted non-residential use. A multi-family dwelling does not include a rowhouse dwelling.

Dwelling - Rowhouse. A structure consisting of three or more dwelling units, configured in a manner such that the dwelling units are stacked horizontally and separated by a party wall. A rowhouse is typically designed so that each unit has a separate exterior entrance and direct ground level access to the outdoors. A rowhouse dwelling does not include a multi-family dwelling.

Dwelling - Semi-Detached. A structure used for residential occupancy that that contains two dwelling units attached by a party wall at the lot line but located on separate lots.

Dwelling - Single-Family. A structure containing only one dwelling unit on a single lot.

Dwelling - Two-Family. A structure containing two dwelling units on a single lot.

Dwelling - Three-Family. A structure containing three dwelling units on a single lot.

Educational Facility - Primary or Secondary. A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels. A day care center and/or preschool may be included as part of an Educational Facility – Primary or Secondary as an ancillary use.

Educational Facility - University or College. A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

Educational Facility - Vocational. A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum.

Electric Vehicle Charging Station (Principal Use). A facility with battery charging station equipment where the primary purpose is the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle. Electric vehicle charging station also includes battery exchange stations for electric vehicles.

Farmers Market. Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from two or more farmers or vendors that have taken such items on consignment for retail sale.

Financial Institution/Bank. A bank, savings and loan, credit union, or mortgage office.

Fraternity/Sorority. A structure used by a chartered fraternal or sororal membership organization or association, used as a residence and/or a dining and recreational facility for members of organizations or associations who are students at a university, which permits the organization or association to use its facilities because of the relationship of such organization or association to the body of students enrolled in such institution.

Freight Terminal. A facility for freight pick-up or distribution by rail, air, truck, or shipping transport.

Funeral Home. An establishment that prepares the dead for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

Gas Station. An establishment where fuel for vehicles is stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. This may also include ancillary retail uses, an ancillary car wash facility (one stall), and solar and/or electric charging stations.

Golf Course/Driving Range. A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms and shelters as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls and tees for practicing the hitting of golf balls, and may include a snack-bar and pro-shop.

Government Office. Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public. Government offices do not include public safety or public works facilities.

Greenhouse/Nursery– Retail. An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products such as hardware, garden tools and utensils, and paving stone and bricks.

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

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.

Healthcare Institution. Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as cafeterias, restaurants, retail sales, and similar uses.

Heavy Retail, Rental, and Service. Retail, rental, and/or service establishments of a heavier commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers with outdoor storage and display and rental components, lumberyards, truck rental establishments, and sales, rental, and repair of heavy equipment.

Helipad. An area of land or portion of a structure used for the landing and take-off of helicopters with no facilities for service or permanent basing of such aircraft.

Heliport. A designated landing area for discharging or picking up passengers or goods by helicopter or similar vertical lift aircraft, and includes terminal facilities for passengers, goods, aircraft servicing, or storage.

Hotel/Motel. A facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

Industrial - Artisan. A manufacturing establishment for artisan-related crafts that are more intensive uses, such as small-scale metalworking, glassblowing, furniture making, pottery, leathercraft, hand-woven articles, and related items.

Industrial - General. The manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious. General industrial uses typically have ancillary outdoor storage areas. (See Section 1200.F for prohibited types of general industrial uses.)

Industrial - Light. The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and

distribution of such products, provided all manufacturing activities are contained entirely within a building, and noise, odor, smoke, heat, glare, and vibration resulting from the industrial activity are confined entirely within the building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, or ancillary outdoor storage. Light industrial includes metal fabrication and aquaculture/aquaponic facilities. (See Section 1200.F for prohibited types of general industrial uses.)

Industrial Design. An establishment where the form, usability, physical ergonomics, marketing, brand development and sales of various products are researched and developed. An industrial design establishment may create prototypes of products, but shall not manufacture products for direct sale and distribution from the premises.

Landfill. A facility for the disposal of inert, non-hazardous industrial materials that are not biodegradable, and are not economically and beneficially reusable at the time of their disposal, or for the disposal of non-hazardous household/commercial solid waste.

Live Entertainment - Ancillary Use. A live performance, performed by one or more persons including, but not limited to, musical acts, theatrical plays, performance art, stand-up comedy, disc jockeys (DJs), and magic, included as part of the operation of a bar, restaurant, amusement facility, or similar use. As an ancillary use, the other principal use(s) operating on the site shall be active and open to the public while the performance is occurring and during hours when no performance is scheduled. Live entertainment - ancillary use shall be approved separately as a principal use. Live entertainment - ancillary use does not include:

1. Any adult use.
2. Nightclub.
3. Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances at weddings and similar religious events.
4. Incidental entertainment.

Live Performance Venue. A facility for the presentation of live entertainment, including musical acts, theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and shall be available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any adult uses or nightclubs.

Lodge/Meeting Hall. A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

Marina - Commercial. Facilities for docking or storage of commercial boats that may provide services. No lodging for the occupants, other than the manager or owner of the commercial marina, or entertainment are permitted.

Marina - Recreational. Facilities for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, or provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club is considered a recreational marina.

Materials Processing. Facilities for:

1. The processing of cement, salt, rock, sand, gravel, and stone; or
2. The storage, temporary or otherwise, of unprocessed metal, processed metal, wastepaper, rags, or other junk materials; or
3. The purchase or sale, by weight across an on-site scale, of unprocessed metal, processed metal, wastepaper, rags, or other junk materials; or
4. The sorting, baling, separating, shearing, shredding, or torch preparation of metal or any other form of scrap-metal processing, including automobile flattening and crushing.

Medical/Dental Office. A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

Micro-Brewery. A facility for the production and packaging of malt beverages of low alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items.

Micro-Distillery. A facility for the production and packaging of alcoholic beverages in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items.

Micro-Winery. A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items.

Movie Studio. Facilities for the production of motion pictures and film, including stages, exterior sets, film laboratories, sound recording facilities, construction, repair and storage facilities, caretaker and temporary housing, related commercial vehicles, and accessory fabrication activities.

Neighborhood Commercial Establishment. A commercial use within a primarily residential neighborhood that is non-residential in its original construction and/or use.

Nightclub. An establishment that provides entertainment, including live music and disc jockeys (DJs), and an area for dancing by patrons of the establishment. A nightclub has as its primary source of revenue the sale of alcoholic beverages and/or cover charges. Portions of the floor area may be set up for alcohol service, including a bar counter, with or without stools, and other seating areas. A nightclub is only open to the public when it is providing such entertainment and admission (cover charge) is generally charged for admittance.

Office. An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution/bank, government office, or industrial design.

Outdoor Dining. A seating area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area. Outdoor dining shall be approved separately as a principal use.

Outdoor Market. A retail market located outdoors that rents space to individual vendors who sell their merchandise.

Park/Playground. A non-commercial facility that serves the recreational needs of residents and visitors. Park/playground includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and park district field houses. Park/playground may also include non-commercial indoor or outdoor amusement facilities, such as zoos and amphitheaters, and ancillary restaurant and retail establishments.

Parking Lot. An open, hard-surfaced area, other than a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

Parking Structure. A structure of one or more levels or floors used for the parking or storage of operable vehicles, whether for compensation or at no charge.

Passenger Terminal. A facility for the handling, receiving, and transferring passenger traffic for aircraft, rail, buses, and watercraft.

Personal Service Establishment. An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

Place of Worship. A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary day care facilities and/or classrooms for weekly religious instruction.

Plant Agriculture. The growing of plants for food or fiber, to sell or consume.

Power Plant. An industrial facility for the generation of electric power. A power plant does not include electricity generated from solar or wind.

Prison/Correctional Institution. A facility for the detention, confinement, treatment, and rehabilitation of persons arrested or convicted for the violation of civil or criminal law.

Public Safety Facility. A facility operated by and for the use of public safety agencies, such as the fire department and police departments, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include kennels for canine units of public safety agencies.

Public Works Facility. A facility operated by the municipal public works department to provide city services, including dispatch, storage, and maintenance of municipal vehicles.

Racetrack. A measured course where animals or automobiles are entered in competition against one another or against time, including tracks used only for training purposes.

Reception Facility. A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Rehabilitation Center. A facility for treatment of alcohol or drug addiction that is licensed, certified, or accredited by the appropriate local, state, or federal agencies, in which unrelated persons are provided housing, food, treatment, and supportive services.

Research and Development. A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. Research and development facilities shall not exceed Biosafety Level Three as regulated by the Department of Health and Human Services, Center for Disease Control and Prevention, and the National Institute of Health. A research and development establishment may create prototypes of products, but shall not manufacture products for direct sale and distribution from the premises.

Residential Care Facility. A licensed group care facility that provides 24-hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, assisted living, and continuum of care facilities.

Restaurant. An establishment where food and drinks are provided to the public, primarily for on-premises consumption by seated patrons. If the establishment also serves alcoholic beverages, a full menu of food and drinks shall also be prepared on premises. Incidental entertainment shall be a permissible accessory use within a restaurant.

Retail Goods Establishment. An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Sale of alcohol products is regulated separately as retail sales of alcohol.

Retail Sales of Alcohol. Retail sales of alcoholic beverages in factory original containers for consumption off-premises, when licensed by the Board of Licenses.

Self-Storage Facility. A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

Ship and Boat Building/Repair. An establishment for the manufacturing, repair, storage, and sale of ships and

boats. Ship and boat building/repair does not include the leasing of dry dock or marina storage for individual boat owners.

Solar Energy System (Principal Use). An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of space heating and cooling, electricity generation, and/or water heating.

Slaughterhouse. A facility where livestock is confined, slaughtered, and processed in preparation for distribution. A slaughterhouse does not include facilities exclusive for the killing of fowl.

Specialty Food Service. A business that specializes in the sale of certain food products, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

Stock Yard/Feeding Pen. Facilities for the feeding, breeding, raising, and/or holding of livestock.

Storage Yard - Outdoor. The storage of material outdoors as a principal use of land for more than 24 hours. Items stored within an outdoor storage yard shall be owned, consigned, or leased by the owner of the storage yard. However, boats and recreational vehicles that are not owned, consigned, or leased by the owner of the storage yard may also be stored on-site.

Tank Farm. The storage of chemicals, petroleum products, ethanol products, hazardous materials, and similar substances in aboveground or belowground storage containers designed for wholesale distribution. This does not include liquefied natural gas or liquified propane gas.

Temporary Contractor's Office. A temporary structure utilized as a watchman's quarters, construction office, equipment shed, or sales center during the construction of a new development.

Temporary Emergency Housing. A temporary shelter for citizens during seasonal or emergency events, such as extreme temperature, flooding, or natural disaster.

Temporary Mobile and Manufactured Homes. A mobile or manufactured home located on a residential lot when the residence is rendered uninhabitable by virtue of a casualty for the use and occupancy of the former occupants of the residence only.

Temporary Mobile Food Sales. A mobile food establishment where food or alcohol preparation and service is housed in a truck or trailer, container, or a non-motorized mobile food cart.

Temporary Outdoor Entertainment. A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, animal shows, carnivals/circuses, temporary worship services, and others.

Temporary Outdoor Sales. Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary Outdoor Storage Container. Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

Transitional Shelter. A facility that provides temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

Utility. Facilities that produce and/or transmit basic services, such as gas, sewer, or water, including large-scale developments such as electrical substations, high voltage transmission lines, and water towers and tanks. Utilities do not include public works facilities. Utility does not include wind energy systems, solar energy systems, and power plants.

Vehicle Dealership/Repair/Service. An establishment that that provides services and repairs to motor vehicles,

motorcycles, and other recreational vehicles, or sells or leases new or used automobiles and recreational vehicles. A vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location. Vehicle repair/service/dealership does not include sales, rental, or repair of heavy equipment, which is considered part of heavy retail, rental, and service.

Vehicle Operations Facility. A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs, school buses, utility vehicles, and livery vehicles. Vehicle operations facility does not include a public works or public safety facility.

Vehicle Rental. An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

Warehouse. An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

Waste Incineration Facility. A facility that disposes of, treats, processes, or recycles solid waste or medical waste through combustion, gasification, or pyrolysis, or exposes solid waste or medical waste to temperatures above 400 degrees Fahrenheit.

Waste Facility. A facility for the processing of waste, including sewage disposal facilities or solid waste transfer station, operated by a state or municipal agency.

Wholesale Establishment. A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Energy System (Principal Use). An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

Wireless Telecommunications. Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

1. **Antenna.** A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.
2. **Facility.** An un-staffed structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators.
3. **Tower.** A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.

ARTICLE 17. ORDINANCE ADMINISTRATORS

- 1700 DESIGNEES
- 1701 CITY COUNCIL
- 1702 CITY PLAN COMMISSION
- 1703 ZONING BOARD OF REVIEW
- 1704 DOWNTOWN DESIGN REVIEW COMMITTEE
- 1705 I-195 REDEVELOPMENT DISTRICT COMMISSION
- 1706 CAPITAL CENTER COMMISSION
- 1707 HISTORIC DISTRICT COMMISSION
- 1708 ~~STAFF LEVEL DEVELOPMENT PLAN REVIEW COMMITTEE~~ ADMINISTRATIVE OFFICERS
- 1709 DIRECTOR OF THE DEPARTMENT OF INSPECTION AND STANDARDS
- 1710 DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
- 1711 CITY FORESTER
- 1712 CITY CLERK
- 1713 DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
- 1714 ZONING BOARD OF REVIEW ORGANIZATION AND PROCEDURES
- 1715 DOWNTOWN DESIGN REVIEW COMMITTEE ORGANIZATION AND PROCEDURES
- 1716 I-195 REDEVELOPMENT DISTRICT COMMISSION ORGANIZATION AND PROCEDURES
- 1717 CAPITAL CENTER COMMISSION ORGANIZATION AND PROCEDURES
- 1718 HISTORIC DISTRICT COMMISSION ORGANIZATION AND PROCEDURES
- 1719 ~~STAFF LEVEL DEVELOPMENT PLAN REVIEW COMMITTEE ORGANIZATION~~ ADMINISTRATIVE OFFICERS APPOINTMENT AND PROCEDURES

1700 DESIGNEES

Certain officials within this section are cited as having powers that may also be administered by a designee, indicated in this section by the language "designee." The ability to direct powers to a designee applies to the actions of such officials throughout this Ordinance.

1701 CITY COUNCIL

The City Council has the following specific powers, pursuant to this Ordinance:

- A. To make final decisions on zoning map and text amendment petitions or proposals.

1702 CITY PLAN COMMISSION

The City Plan Commission has the following powers, pursuant to this Ordinance:

- A. To make recommendations to the City Council on zoning map and text amendment petitions or proposals.
- B. To make final decisions on land development project applications.
- C. To make final decisions on certain development plan review applications.
- D. To periodically review this Ordinance to ensure that it is carrying out the goals as set forth in the City's Comprehensive Plan, and to recommend changes to the City Council.
- E. To make final decisions on unified development review applications.

1703 ZONING BOARD OF REVIEW

The organization and procedures of the Zoning Board of Review are delineated in Section 1714 below. The Zoning Board of Review has the following powers, pursuant to this Ordinance:

- A. To make final decisions on special use permit applications.
- B. To make final decisions on variance applications.

- C. To make final decisions on zoning appeal applications from the City Plan Commission, the Downtown Design Review Committee, the Historic District Commission, from decisions of the Development Plan Review Committee, and appeals of any order, requirement, decision, or determination made by the Director of the Department of Inspection and Standards or other authorized agent in the enforcement or interpretation of this Ordinance.
- D. Any additional powers provided to zoning boards of review pursuant to the Rhode Island General Laws.

1704 DOWNTOWN DESIGN REVIEW COMMITTEE

The organization and procedures of the Downtown Design Review Committee are delineated in Section 1715 below. The Downtown Design Review Committee ~~and/or staff to the Downtown Design Review Committee~~ have the following powers, pursuant to this Ordinance:

- A. To ~~conduct~~ make final decisions on development plan review applications where required by this Ordinance.
- B. To make final decisions on applications for waivers and incentives in the D-1 District, as applicable.
- ~~C. To make final decisions on temporary use permit applications in the D-1 District.~~

1705 I-195 REDEVELOPMENT DISTRICT COMMISSION

The organization and procedures of the I-195 Redevelopment District Commission are delineated in Section 1716 below. The I-195 Redevelopment District Commission has the following powers, pursuant to this Ordinance:

- A. To conduct development plan review where required by this Ordinance.
- B. To make final decisions on applications for waivers and incentives in the D-1 District and ES Overlay District, as applicable.
- C. To make final decisions on temporary use permit applications in the in the D-1 District and ES Overlay District, as applicable.

When the I-195 Redevelopment District Commission dissolves, in accordance with Rhode Island General Laws §42-64.14-21, the Downtown Design Review Committee and its staff assume jurisdiction over the area of applicability.

1706 CAPITAL CENTER COMMISSION

The organization and procedures of the Capital Center Commission are delineated in Section 1717 below. The Capital Center Commission has the following powers, pursuant to this Ordinance:

- A. To make final decisions on Capital Center Special Development District review applications.

When the Capital Center Commission dissolves, the Downtown Design Review Committee and its staff assume jurisdiction over the area of applicability.

1707 HISTORIC DISTRICT COMMISSION

The organization and procedures of the Historic District Commission are delineated in Section 1718 below. The Historic District Commission has the following powers, pursuant to this Ordinance:

- A. To make final decisions on certificate of appropriateness applications.
- B. To provide advice to other agencies regarding historic resources.

1708 ~~STAFF LEVEL DEVELOPMENT PLAN REVIEW COMMITTEE~~ ADMINISTRATIVE OFFICERS

~~The organization of the staff level Development Plan Review Committee is delineated in Section 1719 below. The staff level Development Plan Review Committee has~~ The administrative officers have the following powers, pursuant to this Ordinance:

- A. To make final decisions on ~~staff level~~ development plan review applications where required by this Ordinance.

1709 DIRECTOR OF THE DEPARTMENT OF INSPECTION AND STANDARDS

The Director of the Department of Inspection and Standards, or his/her designee, is the zoning enforcement officer, and has the following powers, pursuant to this Ordinance:

- A. To make final decisions on administrative modification applications.
- B. To make final decisions on certain temporary use permit applications.
- C. To make final decisions on zoning interpretation applications.
- D. To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance and, in case of any violation, order corrective action.

1710 DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS

The Director of the Department of Public Works, or his/her designee, has the following powers, pursuant to this Ordinance:

- A. To make final decisions on right-of-way encroachment permit applications.
- B. To make final decisions on curb cut applications.

1711 CITY FORESTER

The City Forester, or his/her designee, has the following powers, pursuant to this Ordinance:

- A. To make final decisions on the removal of a significant tree
- B. To make final decisions on additional credit for canopy coverage to be granted for the retention of healthy trees.
- C. To approve a modification to required site landscaping.

1712 CITY CLERK

The City Clerk, or his/her designee, has the following powers, pursuant to this Ordinance:

- A. To accept and process zoning map and text amendment petitions or proposals.
- B. To be the custodian of the Zoning Ordinance and Zoning Map.

1713 DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

The Director of the Department of Planning and Development, or his/her designee, has the following powers, pursuant to this Ordinance:

- A. To maintain and update the text and map of this Zoning Ordinance, and to make the Ordinance available to the general public.

1714 ZONING BOARD OF REVIEW ORGANIZATION AND PROCEDURES

A. Organization

1. Membership and Appointment

The Zoning Board of Review shall consist of five regular members and two alternate members to be designated as the first and second alternate members. The Zoning Board of Review, as constituted at the time of the effective date of this Ordinance, and the terms of office of the members thereof will be continued. Zoning Board of Review members and the alternate members are appointed by the Mayor, subject to the approval of the City Council.

2. Term

All regular members and the alternate members of the Zoning Board of Review are appointed for a five year term. No member or alternate member of the Board may continue in office after his/her term expires without being reappointed.

3. Alternate Members

The alternate members of the Zoning Board of Review sit as active members. The first alternate will vote if a member of the Zoning Board of Review is unable to serve at a hearing and the second will also vote if two members of the Zoning Board of Review are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member will serve in the position of the first alternate.

4. Vacancy

If during a term of office, a Zoning Board of Review member or alternate member dies, resigns, is convicted of a felony or crime of moral turpitude, or a violation of official duties, or is absent from five consecutive regular meetings of the Zoning Board of Review without the consent of the Mayor, the office is declared vacant by the Mayor and the vacancy will be filled for the remainder of the unexpired term in the same manner as the original appointment.

5. Officers

The Mayor, with the approval of the City Council, will designate a member of the Zoning Board of Review to be its Chair and a member to be its Vice Chair. The Vice Chair will serve as acting Chair in the Chair's absence.

B. Procedures

1. Meetings and Hearings

Meetings of the Zoning Board of Review are held at the call of the Chair and at such other times as the Zoning Board of Review 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 give public notice in accordance with Section 1801.

2. Required Vote

No member or alternate member may vote on any matter before the Zoning Board of Review unless they have attended all hearings concerning that matter. The concurring vote of three members of the Zoning Board of Review is 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 members of the Zoning Board of Review is 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 Zoning Board of Review is authorized to pass. No petition or appeal may be heard by less than five members of the Zoning Board of Review, and five active members, which may include the alternate member(s), shall vote on each petition or appeal.

3. Decision

The decision of the Zoning Board of Review on every application or appeal shall be in written form and 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 Zoning Board of Review and of the Director within 45 days of the vote, and shall be open to public inspection. Notice of such decision shall be mailed to each party in interest, including the applicant. Any decision evidencing the granting of a variance or special use permit shall also be recorded in the Land Evidence Records of the City.

4. Record

The Zoning Board of Review shall cause to be made a stenographic record of all its proceedings, including the vote of each member participating.

1715 DOWNTOWN DESIGN REVIEW COMMITTEE ORGANIZATION AND PROCEDURES

A. Organization

The Downtown Design Review Committee is established as a ~~development plan review body technical review committee~~ to conduct development plan review in the D-1 District and ES Overlay District. ~~The Director of the Department of Planning and Development, or his/her designee(s), serving as staff to the Downtown Design Review Committee, is also established as a development plan review body to conduct development plan review in the D-1 District and ES Overlay District. All development in the district is reviewed and approved by the Downtown Design Review Committee or its staff in conformance with this section.~~

1. Membership and Appointment

Membership of the Downtown Design Review Committee should consist of people who have demonstrated interest and commitment to the vision and historic character of Downtown and to its economic development. The Downtown Design Review Committee consists of five members. Four members are appointed by the Mayor as follows: 1) one registered Rhode Island architect; 2) two property owners in the D-1 District; and 3) one community planner, developer, real estate agent, or builder. For each property owner representative, the Mayor may accept recommendations from any organization with an interest in Downtown development. The chair of the Historic District Commission or a member of the Historic District Commission appointed by the chair is the fifth member of the Downtown Design Review Committee.

2. Term

Members are appointed for three year terms.

3. Alternate Members

The Mayor will appoint the two alternate members as follows: 1) one registered Rhode Island architect or landscape architect; and 2) one property owner in the D-1 District. Each is appointed for a three year term, and will sit and may actively participate in hearings. The first alternate will vote if one member is unable to serve and the second alternate will vote if two members of the committee are unable to serve.

4. Expired Terms and Vacancy

Downtown Design Review Committee members whose terms have expired will continue to serve until they resign in writing or are replaced. 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 90 days.

5. Officers

The Mayor will appoint a chair. The Downtown Design Review Committee shall elect from its members a vice chair. The Department of Planning and Development shall assign staff to support and work with the Downtown Design Review Committee.

B. Procedures

1. All procedures of the Downtown Design Review Committee are set forth in the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23.

~~1.—Adoption of Rules~~

~~The Downtown Design Review Committee and its staff will adopt and publish all rules necessary to carry out their functions. These rules shall include:~~

~~a.—Procedures for accepting, processing, and reviewing applications.~~

~~b.—For all applications for major alteration, new construction, and demolition, procedures for paper and electronic posting (including electronic subscription feeds), to publicize applications received, details of proposals, and findings and actions recommended and/or taken by the Downtown Design Review Committee and staff.~~

~~c.—Providing design guidance for interpreting the regulations contained herein pertaining to alterations, new construction, and demolition.~~

~~2.—Conduct of Business~~

~~The Chair will preside over all Downtown Design Review Committee meetings and has the right to vote, and make and second motions. The Vice Chair will, in the case of absence or disability of the Chair, perform the duties of the Chair. All meetings of the Downtown Design Review Committee are open to the public.~~

~~3.—Quorum~~

~~Three members constitute a quorum.~~

~~4.—Required Vote~~

~~The concurring vote of three members of the Downtown Design Review Committee is necessary to approve an application for a major alteration, addition, or new construction. The concurring vote of four members of the Downtown Design Review Committee is necessary to approve an application for a waiver, development incentive, or demolition.~~

5.—Public Hearing

~~The Downtown Design Review Committee shall hold a public hearing on any request for a waiver or a development incentive in accordance with Section 1801-D.~~

6.—Record

~~The Downtown Design Review Committee shall keep a record of all proceedings, findings, decisions, and actions, and the record is open to the public. All decisions evidencing the granting of a waiver shall be recorded by the applicant in the Land Evidence Records of the City. No permit will be issued until the waiver or development incentive is properly recorded in Land Evidence Records. Failure by the applicant to file the decision within 30 days after its issuance causes said decision automatically to become null and void.~~

1716 I-195 REDEVELOPMENT DISTRICT COMMISSION ORGANIZATION AND PROCEDURES

The I-195 Redevelopment District Commission is established in accordance with Rhode Island General Laws 42-64.14-2. For any property located in the D-1 zone or ES Overlay District that is also located in the I-195 Redevelopment District, the I-195 Redevelopment District Commission shall serve as the Downtown Design Review Committee.

1717 CAPITAL CENTER COMMISSION ORGANIZATION AND PROCEDURES

The Capital Center Commission is established in accordance in accordance with 2-361 through 365 of the Providence Code of Ordinances. Properties in the Capital Center Special Development District are governed by the rules and regulations of the Capital Center Commission, which it establishes from time to time pursuant to state law as well as this Ordinance.

1718 HISTORIC DISTRICT COMMISSION ORGANIZATION AND PROCEDURES

A. Organization

1. Membership and Appointment

The Historic District Commission is appointed in accordance with Rhode Island General Laws, Chapter 45-24.1-3, as amended. Members of the Historic District Commission 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.

2. Term

Each member appointed by the Mayor serves for a three year term in accordance with State law and is eligible for reappointment. Upon expiration, appointed members shall continue to serve until replaced.

3. Auxiliary Members

The Mayor has the right to name an auxiliary member to the Historic District Commission in addition to the regular members, and such auxiliary member will sit as an active member, upon the request of the Chair when and if a regular member of the Historic District Commission is unable to serve at any meeting of the Historic District Commission.

4. Expired Terms and Vacancy

In the event of a vacancy on the Historic District Commission, the appointing authority may make an interim appointment to fill the unexpired term(s) of such member(s). Vacancies shall be filled within 90 days.

5. Officers

The Historic District Commission includes a Chair, appointed by the Mayor; and a Vice-Chair elected from its membership. In its rules and regulations, the Commission may provide for other officers if necessary. The Department of Planning and Development shall assign staff to work with the Historic District Commission.

B. Procedures

1. Adoption of Rules

The Historic District Commission shall adopt and publish all rules and regulations necessary to carry out its functions under the provisions of this Ordinance.

2. Adoption of Standards and Guidelines

The Historic District Commission 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 Historic District Commission will determine whether to issue a Certificate of Appropriateness. The Historic District Commission may adopt different standards and guidelines for each 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 Historic District Commission 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 Historic District Commission may from time to time amend its standards as reasonably necessary, and it shall publish all such amendments.

3. Conduct of Business

The Chair will preside over all Historic District Commission meetings and has the right to vote. The Vice-Chair will, in the case of absence or disability of the Chair, perform the duties of the Chair. All meetings of the Historic District Commission shall be open to the public and any person, organization, or duly authorized representative is entitled to appear and be heard on any matter before the Historic District Commission reaches its decision.

4. Quorum

A quorum is necessary for business to be conducted before the Historic District Commission. A majority of the number of duly appointed regular members constitutes a quorum.

5. Record

The Historic District Commission shall keep a record of all resolutions, proceedings, findings, decisions, and actions and such record shall be open to the public.

6. Duties

In addition to the powers described in Section 1707 above, the Historic District Commission has the following powers and duties:

- a. The Historic District Commission is 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.
- b. In order to assist the City on matters of historic preservation, the Historic District Commission may provide its expertise and advice to agencies of city government as appropriate.

1719 ~~STAFF LEVEL DEVELOPMENT PLAN REVIEW COMMITTEE ORGANIZATION~~ ADMINISTRATIVE OFFICERS APPOINTMENT AND PROCEDURES

~~The staff level Development Plan Review Committee is hereby established. The staff level Development Plan Review Committee is composed of the Director of the Department of Inspection and Standards, or his/her designee, the Director of the Department of Planning and Development, or his/her designee, and the City Forester, or his/her designee.~~

~~The administrative officers are appointed by the City Plan Commission pursuant to the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23. All procedures of the administrative officers are set forth in the development review regulations.~~

ARTICLE 18. APPLICATION AND NOTICE PROCEDURES

- 1800 APPLICATION
- 1801 NOTICE
- 1802 POST-SUBMITTAL EXAMINATION
- 1803 CONTINUANCES

1800 APPLICATION

A. Filing of Applications

1. All applications shall be filed with the appropriate official as described in Table 18-1: Filing of Applications:

TABLE 18-1: FILING OF APPLICATIONS	
APPLICATION	OFFICIAL OR HIS/HER DESIGNEE
Zoning Text and Map Amendment	City Clerk
Special Use	Zoning Board of Review Secretary
Variance	Zoning Board of Review Secretary
Administrative Modification	Director of Department of Inspection and Standards
Land Development Project	Director of Department of Planning and Development
Staff Level Development Plan Review	Director of Department of Planning and Development
City Plan Commission Development Plan Review	Director of Department of Planning and Development
Downtown Design Review Committee Development Plan Review	Director of Department of Planning and Development
I-195 Redevelopment Commission Development Plan Review	I-195 Redevelopment District Commission Staff
Capital Center Special Development District Review	Capital Center Commission Staff
Institutional Master Plan Development Plan Review	Director of Department of Planning and Development
Certificate of Appropriateness	Director of Department of Planning and Development
Temporary Use Permit	Director of Department of Inspection and Standards
Zoning Interpretation	Director of Department of Inspection and Standards
Public Right-of-Way Encroachment Permit	Director of Department of Public Works
Building Permit	Director of Department of Inspection and Standards
Zoning Certificate	Director of Department of Inspection and Standards
Certificate Of Occupancy	Director of Department of Inspection and Standards
Zoning Appeals	Zoning Board of Review Secretary

2. All applications shall be on forms provided by the City and in the format and number of copies as required by the instructions on those forms. The application shall include any additional information, plans, and data specified in Article 19.

B. Pre-Application Conference

Prior to formal submittal of an application, the applicant may request a pre-application conference with the Department of Planning and Development and/or applicable review body or official. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application. This process is required for all land development projects and development plan review pursuant to Rhode Island General Laws §45-23.

C. Completeness

1. The application shall include all information, plans, and data as specified in the application requirements. Any required plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The official designated for receipt of an application, or his/her designee, will examine the application for completeness. If the application does not include all the submittal requirements for the application, the official will reject the application and provide the applicant with the reasons for the rejection. The official will take no further steps to process the application until all deficiencies are remedied. ~~The following exceptions to this standard for completeness review apply:~~

~~a. Downtown Design Review Committee staff will determine if an application for Downtown Design Review Committee Development Plan Review is complete within 30 days. For incomplete applications, Downtown Design Review Committee staff will notify the applicant, in writing, of all deficiencies in the application.~~

~~b. City Plan Commission staff will determine if an application for Institutional Master Plan Development Plan Review is complete within 14 days. Staff shall notify the applicant, in writing, that the submission is complete or return the plan or amendment as incomplete indicating what information is required.~~

3. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.

4. Once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a substantive change to the application.

D. Concurrent Applications

When a development or proposal requires review by a board or commission and requires a variance or special use permit, the applications will be reviewed first by the board or commission, which shall make a preliminary determination and a recommendation to the Zoning Board of Review, then by the Zoning Board of Review, and then again by the board or commission.

E. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled by the review body. The applicant shall submit a request for withdrawal in writing. There will be no refund of fees.

F. Consideration of Denied Petitions or Applications

1. No petition for an amendment to the Zoning Ordinance or Zoning Map will be accepted by the City Clerk if a petition for the same amendment has been denied within the preceding 12 months, provided that such a petition or application may be accepted at any time with the consent of the Committee on Ordinances if it includes an affidavit which, in the opinion of said Committee on Ordinances, evidences facts that a substantial change of circumstances justify a hearing on the petition.

2. No application for a variance or special use permit will be accepted by the Secretary of the Zoning Board of Review if an application for the variance or special use permit has been denied within the preceding 12 months, provided that such a petition or application may be accepted at any time with the consent of the majority of the members of the Zoning Board of Review if it includes an affidavit which, in the opinion of the Zoning Board of Review, evidences facts that a substantial change of circumstances justify a new hearing on the application for a variance or special use permit. A change of ownership does not constitute a substantial change of circumstances.

3. An application for the same petition will not be heard by the Historic District Commission for the period of 12 months from the date the original petition was denied. The Historic District Commission has the right to waive this requirement for any petition if a majority of the Historic District Commission present at a meeting agree.

G. Fees

Each application shall be accompanied by the required filing fee. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. No part of the fee is returnable to the applicant. If an application is submitted by the City, then all fee requirements are waived. The filing fee is as established below:

1. A petition or proposed ordinance for an amendment to this Ordinance, including the Zoning Map, will not be accepted by the City Clerk unless accompanied by a filing fee which shall be deposited with the City Clerk, no part of which is returnable to the petitioner. The filing fee is a \$150 processing fee

plus an advertising fee, which is the actual cost of advertising, as determined by the City Clerk when the advertisement is prepared and delivered to the newspaper, plus a mailing fee, which is the actual cost of mailing the required notice to abutters, as determined by the City Clerk when the mailing is prepared.

2. The fee for a zoning certificate is \$25.00.
3. The fee for an application to the Zoning Board of Review for an appeal, variance, or special use permit is set by the City Council under a separate ordinance.
4. The fee for an application for a Certificate of Appropriateness from the Historic District Commission is as follows:
 - i. New Construction and Demolition: \$400
 - ii. Major Alterations: \$100
 - iii. Minor Alterations: \$50

~~5. The fee for an application for Development Plan Review is as follows:~~

~~a. Institutional Master Plan: \$500~~

~~b. Downtown Design Review Committee Development Plan Review:~~

~~i. New Construction and Demolition: \$400~~

~~ii. Major Alterations: \$100~~

~~iii. Minor Alterations: \$50~~

~~iv. Waiver or Development Incentive: add \$100 to above categories~~

~~c. Staff Level Development Plan Review: \$100~~

~~d. City Plan Commission Development Plan Review:~~

~~i. Educational Facilities - Primary or Secondary: \$200~~

~~ii. Waivers from design regulations: \$50~~

~~65. The fee for an application fees for a Land Development Projects and development plan review is are established by the City Plan Commission in its development review regulations: the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23.~~

~~76. The fee for a temporary use permit is \$50.~~

1801 NOTICE

A. Rhode Island State Notice Registry

Per State law, all public notices are required to be posted to the website of the Rhode Island Secretary of State. Any person or entity may register with the Secretary of State's Office to receive notice of any public hearing or meeting posted to the website regarding a zoning application.

B. City Council Notice

1. No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the City Council. The City Council shall give published notice of the public hearing for a change to this Ordinance by publication of notice in a newspaper of general-local circulation within the City at least once each week for three 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. The same notice shall be posted in the city clerk's office and one other municipal building in the City and the City must make the notice accessible on the municipal home page of its website at least 14 days prior to the hearing. ~~Written notice, which may be a copy of the newspaper notice, The notice shall be mailed to the statewide planning program of the department of administration, and, where applicable, to the parties specified in Sections 1801.B.2, 3, 4, and 5, at least two weeks~~ 14 days prior to the hearing. ~~The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles~~ announced shall:

- a. Specify the place of the hearing and the date and time of its commencement;
 - b. Indicate that adoption, amendment, or repeal of a zoning ordinance is under consideration;
 - c. Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or may summarize or describe the matter under consideration as long as the intent and effect of the proposed regulation is expressly written in that notice; or summarize and describe the matter under consideration;
 - d. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
 - e. State that the proposals shown on the ordinance 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.
2. Where a proposed general amendment to an existing ordinance includes changes to an existing zoning map, public notice shall be given as required by Section 1801.B.1.
 3. Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required by Section 1801.B.1, with the additional requirements that:
 - a. Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city and town boundaries where appropriate; and
 - b. Written notice of the date, time, and place of the public hearing and the nature and purpose of the hearing shall be sent to all owners of real property whose property is located in or within not less than 200 feet of the perimeter of the area proposed for change, whether within the City or within an adjacent city or town. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by ~~registered, certified, or~~ first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided, for any notice sent by first-class mail, the sender of the notice shall ~~utilize and obtain a United States Postal Service certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate proof of~~ submit a notarized affidavit to attest to such mailing.
 4. Notice of a public hearing shall be sent by first class mail to the city or town council of any city or town to which one or more of the following pertain:
 - a. Which is located in or within not less than 200 feet of the boundary of the area proposed for change; or
 - b. 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 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.
 5. 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 suitable for use as a public water source and that is within 2,000 feet of any real property which is the subject of a proposed zoning change; provided, that the governing body of any state or municipal water department or agency, special water district, or private water company has filed with the building inspector in the city or town 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 2,000 feet thereof.

6. The City shall establish and maintain a public notice registry allowing any person or entity to register for electronic notice of any changes to this ordinance. The City shall provide public notice annually of the existence of the electronic registry by publication of notice in a newspaper of ~~general~~ local circulation within the City. In addition, the City is hereby encouraged to provide public notice of the existence of the public notice registry in all of its current and future communications with the public, including, but not limited to, governmental websites, electronic newsletters, public bulletins, press releases, and all other means the City may use to impart information to the local community. However, notice pursuant to a public notice registry as per this requirement, does not alone qualify a person or entity on the public notice registry as an aggrieved party, per Rhode Island General Laws §45-24-31(4).
7. No defect in the form of any notice under this section will render any ordinance or amendment invalid, unless the defect is found to be intentional or misleading.
8. ~~Costs of any notice required under this section are borne by the applicant. The cost of newspaper notice and mailings shall be borne by the applicant.~~
9. Where a proposed text amendment to this ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city or town. The notice shall be given at least two weeks prior to the hearing at which the text amendment is to be considered, with the content required by this section. The notice shall include reference to the merger clause of Section 2003.E and the impacts of common ownership of nonconforming lots. Notice shall utilize a United States Postal Service certificate of mailing, and the certificate or an electronic copy thereof shall be retained to demonstrate proof of the mailing.

C. City Plan Commission, Downtown Design Review Committee, and Administrative Officer Notice

When notice is required for a City Plan Commission, Downtown Design Review Committee, and Administrative Officer meeting, ~~or~~ hearing, or development review, such notice will be provided in accordance with the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23. rules and regulations adopted by the City Plan Commission and Article 15 of Chapter 2 of the Providence Code of Ordinances.

D. Zoning Board of Review, Downtown Design Review Committee, and I-195 Redevelopment District Commission Public Hearing Notice

1. Mailed notice shall be sent by first class mail at least two weeks prior to the hearing to the applicant and to the following:
 - 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 200 feet of the perimeter of the lot(s) proposed for variance, special use permit, or development, whether within the City or within an adjacent city or town.
 - b. The City Council representative of the applicable ward, said notice to be delivered to the City Council representative by the City Sergeant.
 - c. The Office of the Superintendent of Schools.
 - d. The city or town council of any city or town which is located within 200 feet of the boundary of the area proposed for a variance, special use, or development.
 - 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 2,000 feet of any real property that is the subject of a proposed variance, special use permit, or development, regardless of municipal boundaries.

- f. Any neighborhood group that registers the name of the organization, its officers and mailing address with the public body's staff. Neighborhood group registration shall be renewed every year by July 1st. Failure to renew the registration relieves the staff of the responsibility of mailing out the agenda.
2. Public notice of the hearing shall be published at least fourteen days prior to the date of the hearing in a newspaper of ~~general~~local circulation in the city.
3. Mailed and newspaper notice shall include:
 - a. The location of the hearing and the date and time of its commencement.
 - b. The street address of the subject property.
 - c. A statement of the proposed variance, special use, or development under consideration.
 - d. Information for those interested where and when a copy of the matter under consideration may be obtained or examined and copied.
 - e. All mailed notice shall be translated in accordance with Section 2-15 of the City Code of Ordinances.
4. No defect in the form of any notice under this section will render any application for variance, special use permit, or development approval invalid, unless the defect is found to be intentional or misleading.
5. ~~Costs of any notice required under this section are borne by the applicant. The cost of newspaper and mailing notification shall be borne by the applicant.~~
6. The same notice shall be posted in the City clerk's office and one other municipal building in the City and the City must make the notice accessible on the municipal home page of its website at least 14 days prior to the hearing

E. Historic District Commission Notice

1. Mailed notice for a certificate of appropriateness shall be sent by regular mail to the applicant and to all abutting property owners at least seven days prior to the public meeting. An application for a certificate of appropriateness for demolition of any principal structure within any historic district requires published notice of a public hearing at least 14 days in advance in a newspaper of ~~general~~local circulation in the City.
2. The applicant shall supply the Historic District Commission with a list of names and addresses of all abutting property owners from the most current records of the City Tax Assessor. The cost of mailed and published notice is the responsibility of the applicant, and he/she will be billed by the Department of Planning and Development for such costs.

F. Capital Center Commission Notice

Notice of regular meetings and public hearings of the Capital Center Commission and its subcommittees shall be held pursuant to the procedures adopted by the Capital Center Commission.

G. Administrative Modification Notice

1. Upon an affirmative determination of an administrative modification, the Director of the Department of Inspection and Standards will notify, by ~~registered or certified~~first class mail, all property owners abutting the property that is the subject of the modification request and publish in a newspaper of ~~general~~local circulation within the City that the modification will be granted unless written objection is received within ~~30~~14 days of the public notice.

2. Mailed and published notice shall indicate the street address of the subject property in the notice.
3. Costs of any notice required under this section are borne by the applicant.

1802 POST-SUBMITTAL EXAMINATION

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies, as established and modified in the Providence Code of Ordinances.

1803 CONTINUANCES

The body conducting the hearing or meeting for which notice is required may continue a public hearing or meeting. No new notice is required to reopen the public hearing or meeting if it is continued to a specific date, provided that a public announcement of the future date, time, and place of the continued hearing or meeting is made at the prior hearing or meeting and recorded in the minutes. If the hearing or meeting is adjourned, rather than continued to a specific date, in order to reopen the hearing or meeting all notice shall be given that would have been required for the initial public hearing or meeting.

ARTICLE 19. ZONING APPLICATIONS AND APPROVALS

- 1900 ZONING TEXT AND MAP AMENDMENT
- 1901 SPECIAL USE PERMIT
- 1902 VARIANCE
- 1903 ADMINISTRATIVE MODIFICATION
- 1904 LAND DEVELOPMENT PROJECT
- 1905 ADMINISTRATIVE DEVELOPMENT PLAN REVIEW
- 1906 CITY PLAN COMMISSION FORMAL DEVELOPMENT PLAN REVIEW
- 1907 ~~DOWNTOWN DESIGN REVIEW COMMITTEE~~ D-1 DISTRICT FORMAL AND ADMINISTRATIVE DEVELOPMENT PLAN REVIEW
- 1908 ES OVERLAY DISTRICT FORMAL DEVELOPMENT PLAN REVIEW
- 1909 CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT REVIEW
- 1910 INSTITUTIONAL MASTER PLAN FORMAL DEVELOPMENT PLAN REVIEW
- 1911 CERTIFICATE OF APPROPRIATENESS
- 1912 TEMPORARY USE PERMIT
- 1913 ZONING INTERPRETATION
- 1914 PUBLIC RIGHT-OF-WAY ENCROACHMENT PERMIT
- 1915 BUILDING PERMIT
- 1916 ZONING CERTIFICATE
- 1917 CERTIFICATE OF OCCUPANCY
- 1918 ZONING-APPEALS

1900 ZONING TEXT AND MAP AMENDMENT

A. Purpose

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.

B. Authority

The City Council, after receiving a recommendation from the City Plan Commission, will take formal action on requests for zoning text or map amendments.

C. Procedure

1. Upon receipt of a complete proposal for a zoning text or map amendment, the City Clerk will refer the proposal to the City Council and City Plan Commission for study and recommendation.
2. Upon receipt of the proposal, the City Plan Commission will notify and seek the advice of the Department of Planning and Development and report to the City Council within 45 days of receipt of the proposal, giving its findings and recommendations.
3. The City Plan Commission recommendation shall include:
 - a. 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.
 - b. A demonstration of recognition and consideration of each of the applicable purposes of zoning, as delineated in Section 101.
4. When an amendment proposal is made by the City Plan Commission, the requirement for a study is waived, provided that the proposal by the Commission includes its recommendations pursuant to item 3 above.
5. The City Council shall hold a public hearing within 65 days of receipt of a proposal, providing notice as required in Section 1801. The City Council shall render a decision on any proposal within 45 days of the close of the public hearing.

6. The provisions of this section pertaining to deadlines do not apply to any extension consented to by an applicant.

D. Conditions and Restrictions

1. In granting a map amendment, the City Council may limit the change to one of the permitted uses in the district to which the subject land is rezoned, and further impose limitations, conditions, and restrictions, including, without limitation:
 - a. 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 that are the subject of the zoning change.
 - b. Those relating to the effectiveness or continued effectiveness of the zoning change.
 - c. Those relating to the use of the land, as it deems necessary.
2. The limitations and conditions imposed shall be clearly noted on the Zoning Map and recorded in the land evidence records, provided that in the case of a conditional zone change, the limitations, restrictions, and conditions will not be noted on the Zoning Map until the change has become effective.
3. 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 years or more after the change becomes effective, the City Council may, after a public hearing, change the land to its original zoning before the petition was filed.
4. If any limitation, condition, or restriction in an 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.

E. Appeals

An aggrieved party, legal resident or landowner of the municipality, or group of residents or landowners may appeal an amendment to the Rhode Island Superior Court within 30 days after the amendment has become effective.

1901 SPECIAL USE PERMIT

A. Authority

The Zoning Board of Review or the City Plan Commission, as part of unified development review, will take formal action on special use permit applications.

B. Procedure

1. Upon receipt of a complete application for a special use permit, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will request that the Department of Planning and Development staff prepare a written report of the staff's findings and recommendations, which will be submitted to the applicable review body. ~~The findings and recommendations shall include a statement on the general consistency of the application with the goals and purpose of the Comprehensive Plan.~~
2. The Zoning Board of Review, or the City Plan Commission, as part of unified development review, will hold a public hearing on the special use permit application in an expeditious manner, after receipt, in proper form, of an application, and shall give notice as required by Section 1801.
3. To authorize a special use permit, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall:
 - a. Consider the written opinion from the Department of Planning and Development.
 - b. Make specific findings of fact, in writing, with evidence supporting them, that demonstrate that:

- i. 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, including those listed in Article 12.
 - ii. Granting the proposed special use permit will not substantially injure the use and enjoyment of nor significantly devalue neighboring property.
 - iii. Granting the proposed special use permit will not be detrimental or injurious to the general health or welfare of the community.
- c. To grant a special use permit for a health care institution or educational facility – college or university in a commercial or downtown district, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall find that such uses are essential and desirable to the public convenience and welfare, ~~are in conformance with the objectives of the Comprehensive Plan,~~ and that the following criteria have been met:
- i. The proposed institutional use adheres to all dimensional requirements.
 - ii. The proposed use cannot be reasonably located on any existing property of the institution within an existing institutional district in which the use is permitted.
 - iii. Parking is provided for the proposed use in accordance with this Ordinance.
 - iv. An institutional master plan has been filed and approved, and the proposed use is in conformance with the institution's master plan.

C. Special Use Permit and Variance

The Zoning Board of Review, or the City Plan Commission, as part of unified development review, may issue a dimensional variance in conjunction with a special use permit. If the special use could not exist without the dimensional variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the variance evidentiary standards.

D. Expiration

Any special use permit granted by the City Plan Commission, in conjunction with a land development project or subdivision as part of unified development review, shall expire when the approval for the associated land development project or subdivision expires.

Any special use permit granted by the Zoning Board of Review shall expire six months after the date of the filing of the resolution in the Office of the Board unless the applicant, within the six months:

- 1. Obtains a legal, complete building permit for the project and proceeds with construction of the proposed improvements. For purposes of this section, demolition permits and foundation permits are not construed to be building permits.
- 2. Obtains a legal building permit or a certificate of occupancy when no construction is required.

E. Extension of Time

- 1. The Zoning Board of Review may, upon written request and for cause shown prior to the expiration of the initial six month period, renew the special use permit for a second six month period. The request for an extension need not be advertised.
- 2. If an applicant fails to obtain a legal building permit within the second six month period, the Zoning Board of Review may upon written request prior to the end of the second six month period, renew the 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 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 1801. A hearing will be held on the request.

3. No extension may be granted during an appeal to Superior Court.

F. Modifications to Approved Special Use Permits

Modifications to an approved special use permit shall follow the process for approval of a special use permit.

G. Appeals

Any aggrieved party may appeal the decision of the Zoning Board of Review to the Rhode Island Superior Court within 20 days after a decision is recorded and posted in the office of the City Clerk. The process for appeals of decisions by the City Plan Commission is outlined in the City Plan Commission's Development Review Regulations.

1902 VARIANCE

A. Authority

The Zoning Board of Review, or the City Plan Commission, as part of unified development review, will take formal action on variance applications.

B. Procedure

1. Upon receipt of a complete application for a variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will request that the Department of Planning and Development staff prepare a written report of the staff's findings and recommendations, which will be submitted to the applicable review body. The findings and recommendations shall include a statement on the general consistency of the application with the goals and purpose of the Comprehensive Plan.
2. The Zoning Board of Review, or the City Plan Commission, as part of unified development review, will hold a public hearing on the variance application in an expeditious manner, after receipt, in proper form, of an application, and shall give notice as required by Section 1801.
3. In granting a variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
 - a. 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, excepting those physical disabilities addressed in Rhode Island General Laws §45-24-30(16).
 - b. 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.~~
 - c. 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.
 - d. ~~That the relief to be granted is the least relief necessary.~~
4. In addition, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, requires that evidence be entered into the record of the proceedings showing that:
 - a. 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 district and permitted use of lands or structures in an adjacent district are not considered in granting a use variance.
 - b. In granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience.

meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief.

5. In addition to the above, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will consider the written opinion of the Department of Planning and Development prior to making a decision on a variance petition.

C. Conditions

The Zoning Board of Review, or the City Plan Commission, as part of unified development review, may impose such conditions regarding the proposed variance as it deems appropriate. Special conditions may be required, in the opinion of the Zoning Board of Review, or the City Plan Commission, as part of unified development review, to promote the intent and purposes of the Comprehensive Plan and the Zoning Ordinance. Failure to abide by any special conditions attached to approval constitutes a zoning violation. Those special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:

1. Minimizing the adverse impact of the development upon other land, including the type, intensity, design, and performance of activities.
2. Controlling the sequence of development, including when it shall be commenced and completed.
3. Controlling the duration of use or development and the time within which any temporary structure shall be removed.
4. Assuring satisfactory installation and maintenance of required public improvements.
5. Designating the exact location and nature of development.
6. Establishing detailed records by submission of drawings, maps, plats, or specifications.

D. Expiration

Any variance granted by the City Plan Commission, in conjunction with a land development project or subdivision as part of unified development review, shall expire when the approval for the associated land development project or subdivision expires.

Any variance granted by the Zoning Board of Review shall expire six months after the date of the filing of the resolution in the Office of the Board unless the applicant, within the six months:

1. Obtains a legal, complete building permit for the project and proceeds with construction of the proposed improvements. For purposes of this section, demolition permits and foundation permits are not construed to be building permits.
2. Obtains a legal building permit or a certificate of occupancy when no construction is required.

E. Extension of Time

1. The Zoning Board of Review may, upon written request and for cause shown prior to the expiration of the initial six month period, renew the variance for a second six month period. The request for an extension need not be advertised.
2. If an applicant fails to obtain a legal building permit within the second six month period, the Zoning Board of Review may upon written request prior to the end of the second six month period, renew the variance 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 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 1801. A hearing will be held on the request.
3. No extension may be granted during an appeal to Superior Court.

F. Appeals

Any aggrieved party may appeal the decision of the Zoning Board of Review to the Rhode Island Superior Court within 20 days after a decision is recorded and posted in the office of the City Clerk. The process for appeals of decisions by the City Plan Commission is outlined in the City Plan Commission's Development Review Regulations.

1903 ADMINISTRATIVE MODIFICATION

A. Purpose

The purpose of the administrative modification is to provide relief from carrying out a requirement of this Ordinance that may cause a minor practical difficulty.

B. Authority

The Director of the Department of Inspection and Standards is authorized to grant a ~~40~~15% ~~%~~ modification to any dimensional standard of this Ordinance and to the required vehicle or bicycle parking spaces. The administrative modification does not permit moving of lot lines.

C. Procedure

1. Within ten days of the receipt of a request for a modification, the Director of the Department of Inspection and Standards will make a decision on the requested modification.
2. The decision on the requested modification shall be based on the following determinations:
 - a. The modification requested is reasonably necessary for the full enjoyment of the permitted use.
 - b. If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired.
 - c. The modification requested ~~is in harmony with the purposes and intent of the Comprehensive Plan and this Ordinance does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations.~~
 - d. The modification requested does not ~~require a variance of a flood hazard requirement~~ violate any rules or regulations with respect to freshwater or coastal wetlands.
3. Upon an affirmative determination, ~~in the case of a modification of five percent or less, the Director of the Department of Inspection and Standards zoning enforcement officer shall have the authority to approve the modification, without any public notice requirements. In the case of a modification of greater than five percent, the zoning enforcement officer~~ will provide notice as required in Section 1801.
4. The modification will be granted unless written objection is received within ~~30-14~~ days of the public notice. If written objection is received within ~~30-14~~ days, the request for a modification is denied. In the case of denial, the changes requested will be considered a request for a variance and may only be issued by the Zoning Board of Review following the standard procedures for variances. If no written objections are received within ~~1430~~ days, the Director of the Department of Inspection and Standards will grant the modification.

D. Conditions

The Director of the Department of Inspection and Standards may apply any special conditions as may, in the opinion of the Director, be required to conform to the intent and purposes of this Ordinance.

E. Maintenance of Records

The Director of the Department of Inspection and Standards shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received.

F. Appeals

Any aggrieved party may appeal the decision to the Zoning Board of Review within 20 days of the recording of the decision.

1904 LAND DEVELOPMENT PROJECT

A. Purpose

The purpose of the land development project, as established by state statute, is to review proposed developments to determine compliance with the standards and intent of this Ordinance and the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23.

B. Authority

The City Plan Commission may approve a land development project. The City Plan Commission may also approve modifications to select dimensional standards as described in item E. The City Plan Commission may also approve variances and special use permits through unified development review. No demolition, foundation, or building permits will be issued, and no site work will be allowed for any development requiring approval of a land development project until the City Plan Commission has approved the final plan.

C. Applicability

1. Any development that meets one or more of the following criteria is considered a land development project:
 - a. New construction of 10,000 square feet or more in gross floor area.
 - b. Additions or enlargements to structures where the new gross floor area of the addition or enlargement is 10,000 square feet or more.
 - c. Construction of new gross floor area that creates 10 or more dwelling or rooming units.
 - d. Development of 50 or more new parking spaces.
2. The following types of development that may meet the above thresholds are not considered land development projects:
 - a. Any development in an institutional district that is part of an institutional master plan.
 - b. Any development subject to review by the Downtown Design Review Committee, the I-195 Redevelopment District Commission, or the Capital Center Commission.
 - c. Primary and secondary educational facilities in residential zones.

D. Procedure

All land development projects, including requests for unified development review, shall be reviewed by the City Plan Commission according to the "Development Review Regulations" adopted by the City Plan Commission, pursuant to Rhode Island General Laws §45-23.

E. Adjustments of Dimensional Regulations

1. The City Plan Commission has the authority to make adjustments to certain dimensional and design standards through land development project review when one or more of the following occur:
 - a. Where open space is permanently set aside for public or common use.
 - b. Where the physical characteristics, location, or size of the site require an adjustment.

- c. Where the location, size, and type of use require an adjustment.
- d. Where the required build-to percentage requires an adjustment.
- e. Where design standards require an adjustment.
- f. Where housing for low- and moderate-income families is provided.
- g. Where other amenities not required are provided, as stipulated in this Ordinance.
- h. Where structured parking is provided.
- i. Where vertical mixed-use development is provided, of which at least 50% is devoted to residential use.

2. The City Plan Commission ~~modifications~~ adjustments are limited to the following thresholds:

REGULATION	ADJUSTMENT-RESIDENTIAL ZONES	ADJUSTMENT-NON-RESIDENTIAL ZONES
Required Setback	±10'	±10'
Building Height	+12' or 1 story	+24' or 2 stories
Dwelling Unit Density	+50%	+50%
Lot Building Coverage	+25%	Not Applicable
Required Parking	-50%	-50%

3. The City Plan Commission may modify design regulations of the C-1, C-2, C-3, M-MU, and W-2 Districts, and the TOD Overlay District.

1905 STAFF-LEVEL ADMINISTRATIVE DEVELOPMENT PLAN REVIEW

A. Purpose

The purpose of ~~staff level~~ administrative development plan review is to review proposed developments to determine compliance with this Ordinance.

B. Authority

The ~~Staff Level Development Plan Review Committee~~ administrative officer(s) designated by the City Plan Commission may approve a project subject to development plan review.

C. Applicability

1. The ~~Staff Level Development Plan Review Committee~~ administrative officer(s) reviews the following types of development under administrative development plan review:
 - a. Any development or redevelopment on a lot or lots with a total of 40,000 square feet or more that results in a change of use.
 - b. All new construction of more than 2,500 square feet gross floor area, including additions to existing structures, within the C-1, C-2, C-3, M-MU, and W-2 Districts.
 - c. All new construction of rowhouse developments and multi-family dwellings.
 - d. Any new pavement with an area of 10,000 square feet or more.
 - e. Any development that includes a drive-through facility.
 - f. Gas stations.
 - g. Materials Processing.

h. Tank Farms.

~~i. All review in the D-1 District identified as administrative development plan review in Section 1907.~~

2. The following types of development are not subject to administrative development plan review ~~by the Staff Level Development Plan Review Committee:~~

a. Any development that requires land development project review or development plan review by the City Plan Commission.

b. Any development in an institutional district that is part of an institutional master plan.

c. Any development subject to review by the Downtown Design Review Committee, the I-195 Redevelopment District Commission, the Historic District Commission, or the Capital Center Commission.

D. Procedure

~~1. The Staff Level Development Plan Review Committee shall begin development plan review within 30 days of submittal of a complete application. The procedures for administrative development plan review are set forth in the development review regulations adopted by the City Plan Commission.~~

~~2. The Staff Level Development Plan Review Committee shall, within 60 days of submittal of a complete application, review and evaluate the plan, pursuant to the standards of this Ordinance, and approve, approve with conditions, or deny the plan. If approved subject to certain conditions, all plans, and drawings submitted as part of the application for a building permit shall reflect those conditions.~~

~~E. Modifications to Staff Level Development Plan Review~~

~~Modifications to a plan approved through Staff Level Development Plan Review shall be submitted as a new Development Plan Review application.~~

1906 CITY PLAN COMMISSION FORMAL DEVELOPMENT PLAN REVIEW

A. Purpose

The purpose of City Plan Commission formal Ddevelopment Pplan Rreview is to review proposed developments to determine compliance with this Ordinance.

B. Authority

The City Plan Commission may approve a project subject to formal development plan review.

C. Applicability

1. The City Plan Commission reviews the following types of development under formal development plan review:

a. Educational Facilities- Primary or Secondary, as required by Section 1202.M.

b. Waivers from design regulations of the C-1, C-2, C-3, M-MU, and W-2 Districts, and the TOD Overlay District. The CPC may review applications that require staff-level administrative development plan review when a design waiver is also required.

D. Procedure

~~1. The City Plan Commission shall begin development plan review within 30 days of submittal of a complete application. The procedures for City Plan Commission formal development plan review are set forth in the development review regulations adopted by the City Plan Commission.~~

~~2. The City Plan Commission shall, within 60 days of submittal of a complete application, review and evaluate the plan, pursuant to the standards of this Ordinance, and approve, approve with conditions, or deny the plan. If approved subject to certain conditions, all plans, and drawings submitted as part of the application for a building permit shall reflect these conditions.~~

~~E. Modifications to City Plan Commission Development Plan Review~~

~~Modifications to a plan approved through City Plan Commission Development Plan Review shall be submitted as a new development plan review application.~~

1907 ~~DOWNTOWN DESIGN REVIEW COMMITTEE~~ D-1 DISTRICT FORMAL AND ADMINISTRATIVE DEVELOPMENT PLAN REVIEW

A. Purpose

The purpose of the D-1 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 of existing buildings 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; greenways and open spaces are incorporated into the downtown; and 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 D-1 District are approved through development plan review in accordance with the provisions of this section.

B. Authority

The Downtown Design Review Committee, acting as a technical review committee, or ~~its staff the administrative officer are the permitting authorities that~~ approves a development plan review application.

C. Applicability

1. The Downtown Design Review Committee, through formal development plan review, and ~~its staff~~ is authorized to regulate ~~all improvements on~~ public and private land in the D-1 District including the following:
 - a. New construction of buildings or appurtenances in the DD Overlay District.
 - ~~b. Additions to existing buildings or appurtenances.~~
 - ~~cb.~~ Major ~~and minor~~ alterations and additions to existing buildings or appurtenances in the DD Overlay District, ~~including repair and rehabilitation of the exterior.~~
 - ~~dc.~~ Demolition and removal of buildings or appurtenances.
 - d. The Downtown Design Review Committee may waive design regulations as authorized by Article 6 in conjunction with projects under its review.
 - ~~e. Site work.~~
2. The administrative officer, through administrative development plan review, is authorized to regulate public and private land in the D-1 District including the following:
 - a. New construction of buildings or appurtenances outside of the DD Overlay District.
 - b. Major alterations and additions to existing buildings or appurtenances outside of the DD Overlay District.
 - c. Minor alterations to existing buildings or appurtenances, including repairs, replacement and restoration of the exterior.
 - d. Site improvements.

- e. Moving of structures.
 - f. Public art.
 - g. Temporary uses.
 - g. The administrative officer may waive design regulations as authorized by Article 6 in conjunction with projects under its review.
- ~~23. The Downtown Design Review Committee does not review~~This section does not apply to improvements to properties located in the Capital Center Special Development District, the I-195 Redevelopment District, a Historic District, or the Industrial and Commercial Buildings District.
- ~~34.~~ Prior to any review required by this section being conducted, any project on property owned by a health care institution or university or college educational facility shall have first been approved as part of an institutional master plan and, if necessary, shall have received a special use permit.
- ~~45.~~ No Downtown Design Review Committee or staff-administrative officer approval is necessary for the following:
- a. The painting of previously painted surfaces.
 - b. The installation of traffic signs.
 - c. Street improvements such as plant material, street paving, curbing, drainage.

D. Procedure

- ~~1. The procedures for City Plan Commission formal development plan review are set forth in the development review regulations adopted by the City Plan Commission. Before any property owner commences any improvements on public or private land regulated by this section, a written application for such work, including an application for a waiver and/or development incentive, if applicable, shall be submitted to Downtown Design Review Committee staff. The application will be developed by the Downtown Design Review Committee staff and include all information that is reasonably necessary to evaluate the proposed work. The Downtown Design Review Committee staff will determine if an application is complete in accordance with Section 1800.~~
- ~~2. No building permit will be issued before the project receives design approval from the Downtown Design Review Committee or its staff. For those projects where no building permit is required, but which involve activity regulated by this section, Downtown Design Review Committee or staff approval is still required.~~
- ~~3. The type of review for all development in the D-1 District depends on the type of work being done.~~
 - ~~a. Downtown Design Review Committee Review. The Downtown Design Review Committee will review all applications for waivers, development incentives, moving of structures, and demolition. Within the DD Downcity Overlay District, the Downtown Design Review Committee will also review all applications for major alterations, additions, and new construction. The review will be held during a regular meeting of the Downtown Design Review Committee open to the public, for which at least seven days advance written notice has been given by first class mail to the applicant, property owner, abutting property owners, and all others requesting notice of the Downtown Design Review Committee meetings.~~
 - ~~b. Downtown Design Review Committee Staff Review. Outside of the DD Overlay District, Downtown Design Review Committee staff will review all applications for minor alterations, major alterations, additions, and new construction. Within the DD Overlay District, Downtown Design Review Committee staff will review only minor alterations. Staff reviews may be conducted without public notice. However, within 15 days of receipt of a complete application for a major alteration, addition, or new construction that requires staff review, notice shall be sent by first class mail to the applicant, property owner, and abutting property owners, that notifies them that a complete application has been received.~~

- ~~4. A determination by the Downtown Design Review Committee or its staff shall be made within 60 days of receipt and determination of a complete application. This time period may be extended by mutual agreement between the applicant and the Downtown Design Review Committee or staff. In the event that the Downtown Design Review Committee makes a determination within the 60 day period that a particular application requires further time for additional study and information, the Downtown Design Review Committee has a period of up to 90 days from the date of acceptance of a complete application within which to act on such application. The failure of the Downtown Design Review Committee or its staff to act within the time periods specified above is deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the Downtown Design Review Committee or its staff.~~
- ~~5. The Downtown Design Review Committee or its staff is authorized to approve, approve with conditions, or deny an application for development plan review. Approval is based upon conformance with the regulations of the D-1 District. The Downtown Design Review Committee or its staff 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. The Director of the Department of Planning and Development shall approve and sign all staff determinations for major alterations, additions, or new construction. A copy of the Downtown Design Review Committee or staff determination shall be filed with the applicable building permit. A notice of all determinations made by the Downtown Design Review Committee and all staff determinations for major alterations, additions or new construction shall be posted in the City Clerk's office for 20 days.~~
- ~~6. In order to assist in its review of plans, the Downtown Design Review Committee may request the Historic District Commission or other agencies to review and comment on proposals.~~

E. Waivers

1. Downtown District Waivers Generally

- a. Where specifically authorized by the D-1 District, and in accordance with all requirements herein, the Downtown Design Review Committee and administrative officer may grant waivers that carry out the purpose of the D-1 District and are in harmony with the general purposes and intent of these regulations. In granting a waiver, the ~~Downtown Design Review Committee~~ review body may impose such conditions deemed necessary to carry out the purpose of the D-1 District.
- b. Whenever an application for formal development plan review requests a waiver to the regulations of this Section, a public hearing is required in accordance with the development review regulations adopted by the City Plan Commission. ~~and shall meet the same requirements as a Zoning Board of Review public hearing.~~

~~In granting a waiver, the Downtown Design Review Committee shall make positive written findings on each of the following provisions:~~

- ~~i. Literal enforcement of the provision for which a waiver is sought is impracticable.~~
- ~~ii. The design or development condition resulting from the waiver has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.~~
- ~~iii. Granting of the waiver is in the best interest of good planning, urban design, and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.~~

2. Downtown District Demolition Waivers

a. Purpose

In order to preserve the urban fabric of the D-1 District, no building may be demolished, in whole or in part, until the Downtown Design Review Committee or the Capital Center Commission, as applicable, has granted a waiver to demolish the building and has approved plans for new construction. The review process for demolition waivers is contained in the development review regulations adopted by the City Plan Commission. ~~In reviewing an application for a demolition waiver, the Downtown Design Review Committee or the Capital Center Commission shall consider~~

~~the historic value and architectural quality of the existing building, regardless of condition; the design of new structures for the site if demolition is approved; and how the design of new structures relates to adjacent structures. The intent of this section is that new construction shall immediately follow demolition. Demolition is only permitted by waiver from the Downtown Design Review Committee or the Capital Center Commission.~~

~~b. Authority~~

~~The Downtown Design Review Committee or the Capital Center Commission, as applicable, may approve demolition in the D-1 District. Demolition within the D-1 District is approved by the Downtown Design Review Committee, with the exception of the Capital Center Special Development District review, where the Capital Center Commission approves demolition and follows the same process as review by the Downtown Design Review Committee.~~

~~c. Procedure~~

~~i. A waiver application shall contain an analysis of the building's historic or architectural significance, the reason(s) for the proposed demolition, and plans, with elevations, of proposed new construction. The staff shall certify the application complete in accordance with Section 1800.~~

~~ii. The Downtown Design Review Committee shall review the evidence and documentation of eligibility and hold a public hearing that meets the same requirements as a Zoning Board of Review public hearing within 60 days of filing of a complete waiver application.~~

~~iii. By the next regularly scheduled meeting of the Downtown Design Review Committee following the public hearing, the Downtown Design Review Committee shall render a decision and notify the applicant.~~

~~iv. If the Downtown Design Review Committee finds that the building is eligible for demolition and finds that the proposed new construction conforms to the standards of this section, the Downtown Design Review Committee will give preliminary approval for the demolition of the structure and preliminary approval for new construction. Preliminary approvals for demolition and new construction expire after one year unless extended by the Director of the Department of Planning and Development.~~

~~v. The Downtown Design Review Committee may, at the applicant's expense, hire experts to opine on the validity of evidence and testimony submitted as part of a demolition application. This may include, but not be limited to, an initial evaluation of the historic or architectural significance of the building, and for structures found by the Downtown Design Review Committee to be historically or architecturally significant, an appraisal of the property, and/or structural analysis of the building.~~

~~vi. Subsequent to the Downtown Design Review Committee granting preliminary approvals for demolition and new construction, the applicant shall present final plans for new construction to the Downtown Design Review Committee. The Downtown Design Review Committee shall review the plans pursuant to the guidelines and procedures of this section and the D-1 District. Concurrent with the issuance of a certificate of design approval, the Downtown Design Review Committee shall issue final approval for demolition.~~

~~vii. Subsequent to receiving a certificate of design approval and a final approval for demolition, the applicant shall apply to the Director for building and demolition permits. Such applications shall be made concurrently. The Director will not issue a demolition permit before the complete building permit for the new construction approved by the Downtown Design Review Committee has been issued. For purposes of this section, foundation permits are not construed to be building permits.~~

~~d. Eligibility for Demolition~~

~~A building is eligible for a demolition waiver if it meets both items i and ii below:~~

- ~~i. The proposed reuse of the site is a permitted use for the D-1 District and is in conformance with the regulations of the D-1 District.~~
- ~~ii. The Downtown Design Review Committee finds that one of the criteria listed below exists:

 - ~~(A) The building is not architecturally or historically significant.~~
 - ~~(B) If the building is architecturally or historically significant but one of the following applies:

 - ~~(1) Retention of such building constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, including sale of the building on its present site to any purchaser willing to preserve such building.~~
 - ~~(2) Preservation of such building would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including sale of the building to any purchaser willing to preserve such building.~~
 - ~~(3) The merits of the proposal for new construction far outweigh the merits of preserving the building.~~~~~~

e. Emergency Demolition

Should the Director of the Department of Inspection and Standards determine that a structure is unsafe or hazardous and an imminent hazard to public safety for a reason such as being in danger of imminent collapse from damage caused by human action or an act of God, a committee consisting of the Director of the Department of Inspection and Standards, Fire Marshal, Planning Director, a structural engineer to be hired under City auspices, and the Chair of the Downtown Design Review Committee, or their designees, shall convene immediately to evaluate whether the structure should be demolished. The committee shall evaluate all pertinent information including, but not limited to, the structural condition of the structure, the historic value of the structure, and the danger to the public. The Director may order partial or full demolition based on the consensus of the committee. If the Director of the Department of Inspection and Standards, in consultation with on-site life safety officials, determines that the structure is in danger of imminent collapse or is an immediate danger to public safety and there is no time to convene the aforementioned committee, he/she may order the structure demolished immediately. The Director of the Department of Inspection and Standards shall issue a report to the Downtown Design Review Committee stating the reasons for the order. When a principal-use parking structure, which is the sole use of a property, is deemed unsafe by the Director of the Department of Inspection and Standards, or his/her designee, and ordered demolished during the Covid-19 pandemic and then-pending Executive Emergency Orders, i.e. from March 8, 2020 through October 2, 2021, the footprint of the principal-use parking structure may be used as a principal-use parking lot. Said parking lot shall be considered a nonconforming use and shall comply with all regulations of this ordinance for such parking lots, including, but not limited to, landscaping, striping, and groundwater drainage.

F. Development Incentives

- 1. The Downtown Design Review Committee is authorized to grant development incentives in the form of height bonuses in accordance with the provisions of the D-1 District. ~~The review process for development incentives is contained in the development review regulations adopted by the City Plan Commission. In granting a development incentive, the Downtown Design Review Committee may impose such conditions deemed necessary to carry out the purpose of the D-1 District.~~
- ~~2. Whenever an application requests a development incentive to the regulations of the D-1 District, a public hearing is required and shall meet the same requirements as a Zoning Board of Review public hearing. In granting a development incentive, the Downtown Design Review Committee shall make positive written findings on each of the following provisions:

 - ~~a. The design or development condition resulting from the development incentive has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.~~~~

~~b. Granting of the development incentive is in the best interest of good planning, urban design and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.~~

~~**G. Appeal**~~

~~A person or persons jointly or severally aggrieved by a decision of the Downtown Design Review Committee or its staff in their exercise of development plan review has the right to appeal the decision to the Zoning Board of Review.~~

1908 ES OVERLAY DISTRICT DEVELOPMENT PLAN REVIEW

A. Purpose

The ES East Side I-195 Overlay District is hereby created in recognition of the need to guide the future land use and development of the East Side I-195 surplus land made available through the relocation of I-195. The regulations provided in the overlay district will ensure that future development establishes an urban block structure, creates continuous building frontages, and promotes urban vibrancy. Furthermore, the regulations will foster development that is context-sensitive, pedestrian-friendly, and mixed-use, and improves pedestrian and vehicular accessibility in the Fox Point neighborhood and along the Providence Riverfront.

B. Authority

The Downtown Design Review Committee approves a development plan review application in the ES Overlay District.

C. Applicability

All development in the ES Overlay District requires review by the Downtown Design Review Committee.

D. Procedure

Development plan review in the I-195 Redevelopment District is conducted by the Downtown Design Review Committee in accordance with the procedures of Section 1907 for Downtown Design Review Committee development plan review.

E. Waivers

The Downtown Design Review Committee may grant waivers for any of the regulations provided herein that are in harmony with the general purposes and intent of the ES Overlay District regulations. Where specified in the ES Overlay District, certain limitations are placed on the granting of waivers. In granting a waiver, the Downtown Design Review Committee may impose conditions deemed necessary to carry out the purpose of the ES Overlay District. In addition, the Downtown Design Review Committee shall make positive written findings on each of the following provisions:

1. Literal enforcement of the provision for which a waiver is sought is impracticable.
2. The design or development condition resulting from the waiver has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.
3. Granting of the waiver is in the best interest of good planning, urban design, and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.

F. Development Incentives

In granting a development incentive, the Downtown Design Review Committee may impose such conditions deemed necessary to carry out the purpose of the ES Overlay District. Whenever an application requests a development incentive to the regulations of the ES Overlay District, a public hearing is required and shall meet the same requirements as a Zoning Board of Review public hearing. In granting a development

incentive, the Downtown Design Review Committee shall make positive written findings on each of the following provisions:

- a. The design or development condition resulting from the development incentive has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.
- b. Granting of the development incentive is in the best interest of good planning, urban design and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.

1909 CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT REVIEW

A. Purpose

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

B. Authority

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

C. Applicability

In addition to those powers granted to the Capital Center Commission pursuant to Title 45, Chapter 24.4 of the Rhode Island General Laws, the Capital Center Commission has the ability to regulate development in the Capital Center Special Development District. The Capital Center Commission is authorized to regulate all improvements on public and private land in the Capital Center Special Development District, including the construction, reconstruction, alteration, repair, demolition, removal, rehabilitation of the exterior of new and existing buildings and appurtenances pursuant to the authority granted under this section and in a manner not otherwise inconsistent with the provisions of this Ordinance.

D. Plan of Development

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

E. Zoning Compliance

All development in the Capital Center Special Development District shall conform to the provisions of this Ordinance.

F. Waivers

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

such conditions deemed necessary to carry out the purpose of this section. The Capital Center Commission may grant the following waivers, after a required public hearing that meets the same requirements as a Zoning Board of Review public hearing:

1. **Building Height.** The Capital Center Commission may grant a waiver to permit a building height increase of up to 30% of the permitted height specified by zoning.
2. **Signs.** To permit maximum flexibility in the location and type of signs requested, the Capital Center Commission may grant a waiver as follows:
 - a. **Retail Trade.** When the principal use of property is retail trade and the project contains more than 100,000 square feet of gross floor area with at least a minimum of five different retail uses, the owner may request a waiver to the sign regulations of this Ordinance. In requesting the waiver, the owner shall submit to the Capital Center Commission an overall sign plan that details the size, location, material, and lighting of signs on the project and sets sign criteria for retail frontages that would allow the change of retail uses and their signs without additional review. The Capital Center Commission may grant waivers as follows:
 - i. **Maximum Total Area of All Signs.** Permit a maximum total area of all signs that does not exceed five square feet of sign for every lineal foot of building frontage. In calculating building frontage, each side of the building may be counted.
 - ii. **Maximum Sign Area.** Permit the maximum sign area of one or more signs to be increased to a size deemed acceptable to the Capital Center Commission:
 - iii. **Illumination.** Permit a variety of illumination techniques including internal illumination as long as the sign does not read as a plastic back lit sign. Flashing, changeable letter or message, changeable color or any sign that moves are not permitted.
 - iv. **Material.** Permit a variety of contemporary sign materials which is not limited by the D-1 District sign regulations.
 - b. **All Other Uses.** The owner/applicant may request a waiver from the Capital Center Commission for signs in accordance with this section. In filing a request for a waiver, the owner/applicant shall submit an overall sign plan that details the size, location, material, and lighting of all signs on the project. The Capital Center Commission may grant waivers for signs as follows:
 - i. **Planned Development.** When a parcel, as defined in the Capital Center Regulations, which consists of five or more buildings that are not divided by a public road is developed in accordance with a plan, the Capital Center Commission may grant a waiver to permit signs on one building or lot in the parcel to advertise a business located in another building or on another lot in the parcel. The approved signs may be wall-mounted, freestanding or projecting. In calculating maximum total sign area, the maximum allowable area for each lot shall be calculated and added together to arrive at the maximum sign area for the parcel.
 - ii. **Maximum Sign Area.** Permit the maximum sign area of one or more signs to be increased to a size deemed acceptable to the Capital Center Commission but the total area of all signs shall not exceed the maximum total area of all signs on a building.
 - iii. **Illumination.** Permit a variety of illumination techniques including internal illumination as long as the sign does not read as a plastic back lit sign. Flashing, changeable letter or message, changeable color or any sign that moves are not permitted.
 - iv. **Material.** Permit a variety of contemporary sign materials which is not limited by the D-1 District sign regulations.
3. **Landscaping.** The Capital Center Commission may grant a waiver to the landscaping provisions of this Ordinance. In granting a request for a waiver, the Capital Center Commission shall find that the proposed landscaping meets or exceeds the intent of this regulation, and that the proposed landscaping is found to better address the needs of the development proposal.

4. Parking. The Capital Center Commission may, if it has not adopted a parking plan, grant a waiver to permit parking required by this Ordinance to be supplied in public or private parking garages or lots in the district. The Capital Center Commission may grant a waiver to permit a reduction of up to 25% of the required number of parking spaces per parcel.
5. Setbacks. The Capital Center Commission may grant a waiver to permit 20% of the building frontage to be set back from the street line or left open to form a courtyard. A waiver may also be granted for construction on a lot with a curved frontage, so that the building follows the chord or the tangent rather than the curve of the lot line. A waiver may also be granted where nonconforming setbacks exist on adjacent buildings.

G. Incentives

The Capital Center Commission is authorized to grant development incentives in the form of density bonuses, height bonuses, or transfers of development rights, in accordance with the provisions of the D-1 District.

1910 INSTITUTIONAL MASTER PLAN FORMAL DEVELOPMENT PLAN REVIEW

A. Purpose

An institutional master plan is required to promote the orderly growth and development of health care institutions and university or college educational facilities while preserving neighborhood character, historic resources, and consistency with the City's Comprehensive Plan and adopted land use policies. The institutional master plan is a statement in text, maps, illustrations, and/or other media that provides a basis for rational decision-making regarding the long-term physical development of the institution.

B. Authority

The City Plan Commission may approve an institutional master plan and institutional development plan review.

C. Applicability

All health care institutions and university or college educational facilities shall file an institutional master plan with the City Plan Commission. The plan shall be updated every five years from the most recent date of approval, which includes any amendments to a plan. All updates shall show changes in the institution's development plans and real property holdings. The institutional master plan may also be amended prior to the five year renewal. A building permit will not be issued to an institution whose institutional master plan approval is older than five years until an amendment to or renewal of such plan is filed with and approved by the City Plan Commission.

D. Procedure

1. Institutional Master Plan Pre-Submittal Public Participation

Prior to formal submittal of an institutional master plan to the City Plan Commission, the institution shall undertake a public participation process. (This does not apply to the institutional development plan review.) The public participation process shall include:

- a. A minimum of one neighborhood presentation of the major proposals in the plan. Neighborhood organizations, elected officials, and Department of Planning and Development staff shall receive prior notice of this meeting, and shall have the opportunity in the meeting to provide comments.
- b. A preliminary meeting before the City Plan Commission on a new or amended institutional master plan is required if the Director of the Department of Planning and Development deems that the scope of the institutional master plan is so significant that the meeting is warranted.

2. Action by City Plan Commission

Institutional master plans and amendments to previously approved plans, and institutional development plan reviews shall be reviewed by the City Plan Commission for compliance with the

City's Comprehensive Plan and this Ordinance at a regularly scheduled meeting of the City Plan Commission following submittal of a complete application.

3. Institutional Master Plan Submittal Requirements

The institutional master plan shall contain, at minimum, the following:

- a. Mission statement of the institution including its relationship with the neighborhood and community in which it is physically situated.
- b. Description of existing conditions that include a list of all properties owned or leased by the institution, arranged by assessors plat and lot and street address, existing uses by general land use category, including street level and all upper story uses, condition of structures, parking lots, open space, and other relevant existing conditions of the campus or grounds.
- c. A list of properties on the National Register of Historic Places or designations of a local historic district, and proposed exterior changes to these properties.
- d. Statement of ten year goals and five year objectives, and means and approaches through which such goals and objectives may be reached.
- e. Proposed changes in land holdings of the institution including newly acquired property and property to be sold.
- f. Proposed streets to be abandoned and new streets to be established, including private rights-of-ways.
- g. Major repairs or renovations of a building involving more than 10,000 square feet of gross floor area that would result in a change of general land use category of such building.
- h. New structures, additions to existing structures of more than 25% of gross floor area or 10,000 square feet of gross floor area, whichever is less, new or reconfigured parking facilities, new outdoor facilities, and any action that would result in the rerouting of traffic in the public right-of-way for a period of two weeks or longer.
- i. Proposed demolition of any structure, parking garage, parking lot, park, or any other campus facility. In the event of demolition, the plan shall contain a tenant relocation program that contains, at a minimum, provisions relative to institutionally-owned residential structures intended for demolition. The relocation shall contain alternatives to demolition that will accommodate the interests of said tenants, the neighborhood, and the institutions, and provide for tenant relocation assistance.
- j. A parking plan that shows the location of all institutional parking facilities on and off the campus. The plan shall identify the existing number of parking spaces, 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.
- k. Any proposed activity that would require an action by the Zoning Board of Review or City Council to implement. Any proposal for a special use permit to locate an institutional use in a Commercial or Downtown District shall be accompanied by a plan for the development of the lot or lots in question that demonstrates to the satisfaction of the City Plan Commission that the proposal is consistent with the mixed-use goals set forth in this Ordinance and in the plan for such district.
- l. In addition to the above, any hospital subject to regulation by the Department of Health pursuant to the Rhode Island General Laws §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 plan.
- m. A study of traffic conditions that analyzes existing traffic generation, and the impacts of traffic generation predicted from proposed projects. The study shall include actions that the institution will take to reduce the negative impacts of increased traffic. The institution shall establish the

scope of the traffic study through consultation with the Director of the Department of Planning and Development and Traffic Engineer.

- n. The plan shall include an implementation element that defines and schedules for a period of five years or more the specific public actions to be undertaken in order to achieve the goals and objectives of the plan.
- o. A description of the public participation process that was followed in the creation of the plan.
- p. An inventory of tree canopy and landscaping on the property, and provisions for coming into conformance or maintaining conformance with this Ordinance.
- q. A statement regarding public access to the institution's campus and grounds.

E. Modifications to Approved Institutional Master Plans

The following development actions are considered consistent with an approved institutional master plan, even if not specifically shown on that approved institutional master plan:

1. Construction of new structures of 2,000 square feet of gross floor area or less that are adjunct to and support an existing use on campus.
2. Additions to existing structures of less than 25% of the existing gross floor area or 10,000 square feet in gross floor area, whichever is less.
3. A change of use to any use permitted within the district.
4. New parking facilities of 10 or fewer parking spaces.
5. Creation or expansion of any bicycle parking facilities.
6. Creation or expansion of open space, and alternate landscape designs and stormwater management techniques.
7. Façade renovation to an existing structure.
8. Interior renovations to an existing structure.

F. Waivers

The City Plan Commission as part of Institutional Master Plan Development Plan Review may waive regulations pertaining to the maximum number of buildings on a lot, front setback, restrictions on the maximum number of driveways, sign area, and the location of paved area.

1911 CERTIFICATE OF APPROPRIATENESS

A. Purpose

Before a property owner commences construction, alteration, repair, removal, or demolition of any existing structure or its appurtenances within a Historic District Overlay District, the owner shall be granted a certificate of appropriateness from the Historic District Commission. A certificate of appropriateness is required whether or not a building permit is required.

B. Initiation

A property owner, or person expressly authorized in writing by the property owner, shall file an application for a certificate of appropriateness for any development, including demolition, within a Historic District Overlay District. A property owner may only file an application for a certificate of appropriateness for property under his/her control.

C. Authority

1. The Historic District Commission, as applicable, will approve a certificate of appropriateness. The Historic District Commission may delegate to the staff authority to issue a certificate of appropriateness in certain circumstances without a public hearing in accordance with the Standards and Guidelines as adopted or by action of the Historic District Commission at a public hearing. The staff may not deny a certificate of appropriateness, but shall refer such action to the Historic District Commission for a hearing.
2. The Historic District Commission may, at the applicant's expense, hire experts to opine on the validity of evidence and testimony submitted as part of a demolition application. This may include, but is not limited to, an initial evaluation of the historic or architectural significance of the building, and, for structures found by the Historic District Commission to be historically or architecturally significant, an appraisal of the property and/or structural analysis of the building.

D. Applicability

All construction, alteration, repair, removal, or demolition of any existing structure or its appurtenances within a Historic District Overlay District requires a certificate of appropriateness.

E. Procedure

1. Within 45 days of receipt of a complete application, the Historic District Commission shall hold a public meeting on an application for a certificate of appropriateness. Notice is required in accordance with Section 1801.
2. An application for a certificate of appropriateness may be approved, approved with conditions, or denied. The Historic District Commission shall issue written findings for the reasons and basis of each decision regarding the certificate of appropriateness. When denying an application, the Historic District Commission shall include the basis for its finding of denial that the proposed activity would be incongruous with those aspects of the structure, appurtenances, or the district which the Commission has determined to be historically or architecturally significant. The Historic District Commission shall send a copy of the decision to the applicant and to the Director of the Department of Inspection and Standards and the action taken by the Historic District Commission is binding on the Director. No application may be denied without a hearing.
3. If the Historic District Commission fails to act within 45 days of receipt of a complete application, the application is deemed approved, unless an extension of time has been agreed to by the applicant and the Historic District Commission.
4. If the Historic District Commission makes a finding of fact within the 45 day period that a particular application requires additional time for study and information, then the Historic District Commission has an additional 90 days from the date of the receipt of a complete application to act upon such application. An extension of time may be agreed to by the applicant and the Historic District Commission beyond this 90 day period.
5. A certificate of appropriateness may be issued 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 Historic District Commission may delegate to the staff the authority to approve and issue certificates of appropriateness in such circumstances.

F. Approval Standards

1. General

The Historic District Commission will evaluate all applications in accordance with the criteria established in its adopted "Standards and Guidelines." The Historic District Commission acts only on exterior features of a structure and its appurtenances. In reviewing an application for a certificate of appropriateness, the Historic District Commission has the power to call in experts to aid in its deliberations and may incorporate the conclusions of such experts in its decisions.

2. Special Criteria for Demolition

In order to preserve the historic fabric of the City, demolition of historic properties is discouraged. When reviewing an application for a certificate of appropriateness to demolish an historic structure or appurtenance, the Historic District Commission 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 Historic District Commission 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 Historic District Commission will endeavor to work out with the owner an economically feasible plan for the preservation of such structure on its present site. The Historic District Commission may issue a certificate of appropriateness to demolish only if it 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 Historic District Commission may issue a certificate of appropriateness to demolish only if it finds that at least one of the following conditions exists:

- i. Retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, including sale of the structure on its present site to any purchaser willing to preserve such structure.
- ii. Preservation of such structure is a deterrent to a major improvement program that will be of substantial benefit to the community.
- iii. 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.
- iv. Preservation of such structure would not be in the interest of the majority of the community.

G. Demolition Regulations

1. Alternatives to Demolition

The Historic District Commission will 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 Historic District Commission 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.
- 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.

2. Avoiding Demolition Through Owner Neglect

The City Council, or its designee, in consultation with the Historic District Commission, may identify structures of historical or architectural value whose deteriorated physical condition endangers the preservation of such structure or its appurtenances. The Council will publish standards for maintenance of properties within historic districts. Upon the petition of the Historic District Commission that a historic structure is so deteriorated that its preservation is endangered, the Council may establish a reasonable time of no less than 30 days within which the owner shall 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 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 Historic District Commission will cooperate with and assist the City Council in exercising the provisions of this section.

3. Emergency Demolition

Should the Director of the Department of Inspection and Standards determine that a structure is unsafe or hazardous and an imminent hazard to public safety for a reason such as being in danger of imminent collapse from damage caused by human action or an act of God, a committee consisting of the Director of the Department of Inspection and Standards, Fire Marshal, Planning Director, a structural engineer to be hired under City auspices, and the Chair of the Historic District Commission, or their designees, shall convene immediately to evaluate whether the structure shall be demolished. The committee shall evaluate all pertinent information including, but not limited to, the structural condition of the structure, the historic value of the structure, and the danger to the public. The Director may order partial or full demolition based on the consensus of the committee. If the Director of the Department of Inspection and Standards, in consultation with on-site life safety officials, determines that the structure is in danger of imminent collapse or is an immediate danger to public safety and there is no time to convene the aforementioned committee, he/she may order the structure demolished immediately. The Director of the Department of Inspection and Standards shall issue a report to the Historic District Commission stating the reasons for the order.

H. Inspections

The Historic District Commission 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 Historic District Commission finds that the work in progress does not conform to the certificate of appropriateness, the Historic District Commission will advise the Director of the Department of Inspection and Standards, who will enforce the requirements of the Certificate of Appropriateness in accordance with this Ordinance.

I. Appeals

An aggrieved party has the right to appeal a decision of the Historic District Commission to the Zoning Board of Review, and a further right of appeal from the Zoning Board of Review to the Superior Court, and from the Superior Court to the Supreme Court by writ of certiorari. The appeal to the Zoning Board shall be made within 20 days of the issuance of a written determination by the Historic District Commission on any plan or petition submitted to it or any revisions thereof.

1912 TEMPORARY USE PERMIT

A. Purpose

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the Providence Code of Ordinances.

B. Initiation

A property owner, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

C. Authority

The Director of the Department of Inspection and Standards may approve temporary use permit applications with the following exceptions:

1. Temporary uses in the D-1 District are approved by the Downtown Design Review Committee staff or by the I-195 Redevelopment District Commission staff, as applicable.
2. Temporary uses in the ES Overlay District are approved by the I-195 Redevelopment District Commission staff.

D. Procedure

The Director of the Department of Inspection and Standards, or the applicable committee, commission, or official, shall render a decision on the temporary use permit within 15 days of the date the application is deemed complete. The Director of the Department of Inspection and Standards, or the applicable committee or commission, shall review and evaluate the application, pursuant to the standards of this section and Article 12, and approve, approve with conditions, or deny the application.

E. Approval Standards

All temporary uses shall comply with the requirements of this Ordinance, including the standards of Article 12, and the following standards:

- a. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the yard and bulk requirements of the district in which it is located.
- b. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.
- c. The temporary use is operated in accordance with such restrictions and conditions as the Police and Fire Department may require. If required as a condition of approval, the operator of the temporary use shall employ appropriate security personnel.
- d. The temporary use does not conflict with another previously authorized temporary use.
- e. In the D-1 District and DD Overlay District, the Downtown Design Review Committee or its staff shall evaluate a temporary uses compliance with the following additional standards:
 - i. The temporary use provides public amenities, public access, or promote economic development.
 - ii. The temporary use encourages pedestrian activity with visual and/or physical access provided from the adjacent street edge.
 - iii. The temporary use encourages street level activity through commercial enterprise, streetscape enhancement, public art, public education, and/or recreation.

F. Expiration

The temporary use permit is valid only for the time period granted as part of the approval.

1913 ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

B. Authority

The Director of the Department of Inspection and Standards is authorized to issue zoning certificates and written guidance and clarification of the Ordinance, upon receipt of a written application or request for same.

C. Procedure

1. The Director of the Department of Inspection and Standards reviews a written request for a zoning certificate or for guidance and clarification and shall render the interpretation within 15 days of receipt of a complete application. The Director of the Department of Inspection and Standards may request additional information prior to rendering an interpretation.

1914 PUBLIC RIGHT-OF-WAY ENCROACHMENT PERMIT

A. Purpose

Any structure, fixture, excavation, obstruction, or encroachment erected or maintained over, onto, or under any public right-of-way requires a public right-of-way encroachment permit.

B. Initiation

A property owner, or person expressly authorized in writing by the property owner, may initiate an application for a public right-of-way encroachment permit.

C. Authority

The Director of Public Works will review and make final decisions on public right-of-way encroachment permits.

D. Procedure

Within a reasonable time following receipt of a complete application, the Director of Public Works will review the application and approve the permit if he or she finds that the encroachment will not impair the public health, safety, or welfare, and if the encroachment is proposed to be supported by the ground within the public right-of-way, that it does not have an adverse impact on pedestrian or wheelchair access. All encroachments shall conform to the applicable building code and this Ordinance as certified by the Director of the Department of Inspection and Standards.

E. Encroachment Permissions

Two types of encroachment into the right-of-way are permitted by this Ordinance: encroachment not for habitation and encroachment for habitation. The regulations for such encroachments are found in Section 1303.

F. Additional Encroachments

All encroachments not described in Section 1303 require an easement to be granted at the sole discretion of the City Council.

1915 BUILDING PERMIT

An application for a building permit for an addition, erection, or enlargement, under the provisions of the Rhode Island Building Code, or for installation or modification to any sign requiring a permit 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 is not 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.

1916 ZONING CERTIFICATE

A zoning certificate is required for any action undertaken for which conformance to this Ordinance is required, but that does not require a building permit under the provisions of the Rhode Island Building Code. For example, when new areas of pavement do not require a building permit, a zoning certificate indicating conformance to all provisions of this Ordinance is required.

1917 CERTIFICATE OF OCCUPANCY

The occupancy, use, or change of use of any structure or land requires a certificate of occupancy issued by the Director of the Department of Inspection and Standards in accordance with the requirements for the issuance of a certificate of occupancy as stated in the Rhode Island Building Code. A certificate of occupancy is 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.
- E. Any change in use of a nonconforming use.

1918 ZONING-APPEALS

A. Purpose

The zoning appeals process is intended to provide a procedure for review ~~appeals process~~ where it is alleged there is error in any order, requirement, decision, or determination made by a decision-making body or official under this ordinance.

B. Initiation

1. An appeal to the Zoning Board of Review from a decision of ~~the City Plan Commission, the Downtown Design Review Committee,~~ the Historic District Commission, ~~the Development Plan Review Committee,~~ or from any error in any order, requirement, decision, or determination made by the Director of the Department of Inspection and Standards or other authorized agent in the enforcement of this Ordinance, may be taken by an aggrieved party.

2. Appeals of decisions related to land development projects and development plan review shall follow the procedures in the development review regulations adopted by the City Plan Commission.

C. Authority

The Zoning Board of Review makes final decisions on zoning appeals.

D. Procedure

1. All appeals shall be submitted in accordance with Section 1800, on a form to be provided by the Zoning Board of Review.
2. An appeal to the Zoning Board of Review shall be filed within 20 days of the recording of a decision of the Director of the Department of Inspection and Standards, ~~Downtown Design Review Committee,~~ Historic District Commission, ~~or City Plan Commission,~~ or their officers or agents authorized to make a final decision. If no such decision is required to be recorded, then an appeal shall be filed within 30 days after the time when the aggrieved party knew or should have known of the decision.
3. The notice of appeal shall be filed with the officer or agency from whom the appeal is taken and also with the Zoning Board of Review. The notice of appeal shall specify the ground(s) of the appeal. The officer or agency from whom the appeal is taken shall immediately promptly transmit to the Zoning Board of Review all the papers and electronic records constituting the record for the action or decision upon which the action appealed from was taken. ~~Notice of the appeal shall also be transmitted to the City Plan Commission.~~

E. Appeals from Decisions of the Zoning Board of Review

Any aggrieved party may appeal a decision of the Zoning Board of Review to the Rhode Island Superior Court within 20 days after such decision is recorded and posted in the office of the City Clerk.

ARTICLE 20. NONCONFORMITIES AND USES BY VARIANCE OR SPECIAL USES

- 2000 GENERAL APPLICABILITY
- 2001 NONCONFORMING USE
- 2002 NONCONFORMING STRUCTURE
- 2003 NONCONFORMING LOT
- 2004 NONCONFORMING SITE ELEMENTS
- 2005 NONCONFORMING SIGNS
- 2006 USES BY VARIANCE OR SPECIAL USE PERMIT

2000 GENERAL APPLICABILITY

A. Authority to Continue

Any structure, use, lot, site element, or sign that legally existed as a nonconformity as of the effective date of this Ordinance, and any structure, use, lot, site element, or sign that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Article so long as it remains otherwise legal. A structure, use, lot, site element, or sign that is illegal as of the effective date of this Ordinance, remains illegal if it does not conform with every requirement of this Ordinance.

B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner of the nonconforming structure, lot, site element, or sign, or the operator of the use.

C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire, and health codes apply to nonconformities.

~~D. Relationship to Variances and Special Use Permits~~

~~Any use or dimensional variation that does not conform to this ordinance and which exists by virtue of a special use permit, use variance or a dimensional variance, granted by the Zoning Board of Review shall not be considered a nonconformity for the purposes of this Section. Such use or dimensional variation shall be considered a use by special use permit, use variance or dimensional variance, respectively. 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 Zoning Board of Review, in accordance with this ordinance.~~

2001 NONCONFORMING USE

A. Definition

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district but because of subsequent amendments to the Ordinance is no longer allowed.

B. Expansion

A nonconforming use of a structure or land cannot be expanded. This includes expansion, extension, or relocation of a nonconforming use to any other structure on the lot, additional gross floor area devoted to the nonconforming use, or occupying any land area currently not occupied by such nonconforming use.

C. Intensification

A nonconforming use of a structure or land cannot be intensified in any manner. Intensification includes, but is not limited to, increasing hours of operation, increasing the number of dwelling units, increasing the number of parking spaces, reducing total lot area to below that which is required for a new subdivision, or increasing the seating or occupancy capacity of any use. However, this does not prohibit

the reconfiguration of existing dwelling units within a structure so long as such reconfiguration complies with the requirements of item B above.

D. Relocation

A nonconforming use cannot be relocated, in whole or in part, to any other location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

E. Change of Use

1. Residential Districts

Within any residential district, a nonconforming use may not be changed to any other nonconforming use. Within residential districts, a portion of a building containing a nonconforming use may be converted to a single dwelling unit, regardless of the maximum number of units permitted by the dimensional regulations in this Ordinance.

2. Non-Residential Districts

Within any non-residential district, a nonconforming use may be changed to another nonconforming use by special use permit if the Zoning Board of Review deems the proposed use to be less intensive than the existing use.

F. Discontinuation or Abandonment

1. If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use consists of some overt act, or failure to act, which leads 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 involuntary interruption of nonconforming use, as by fire and 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 is presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

G. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased. If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 2002. However, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished.

2002 NONCONFORMING STRUCTURE

A. Definition

A nonconforming structure is a principal or accessory structure that at one time conformed to zoning district regulations but because of subsequent amendments to the Ordinance no longer conforms to applicable dimensional and/or bulk regulations. Certain nonconforming site elements are regulated separately by Section 2004.

B. Maintenance

Normal maintenance and incidental repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the existing nonconformity.

C. Structural Alterations

No structural alterations are permitted on any nonconforming structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. For example, if a structure is nonconforming in terms of the required front setback (i.e., does not meet the required minimum), the structure may add a rear addition if it meets all other district regulations.

D. Relocation

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

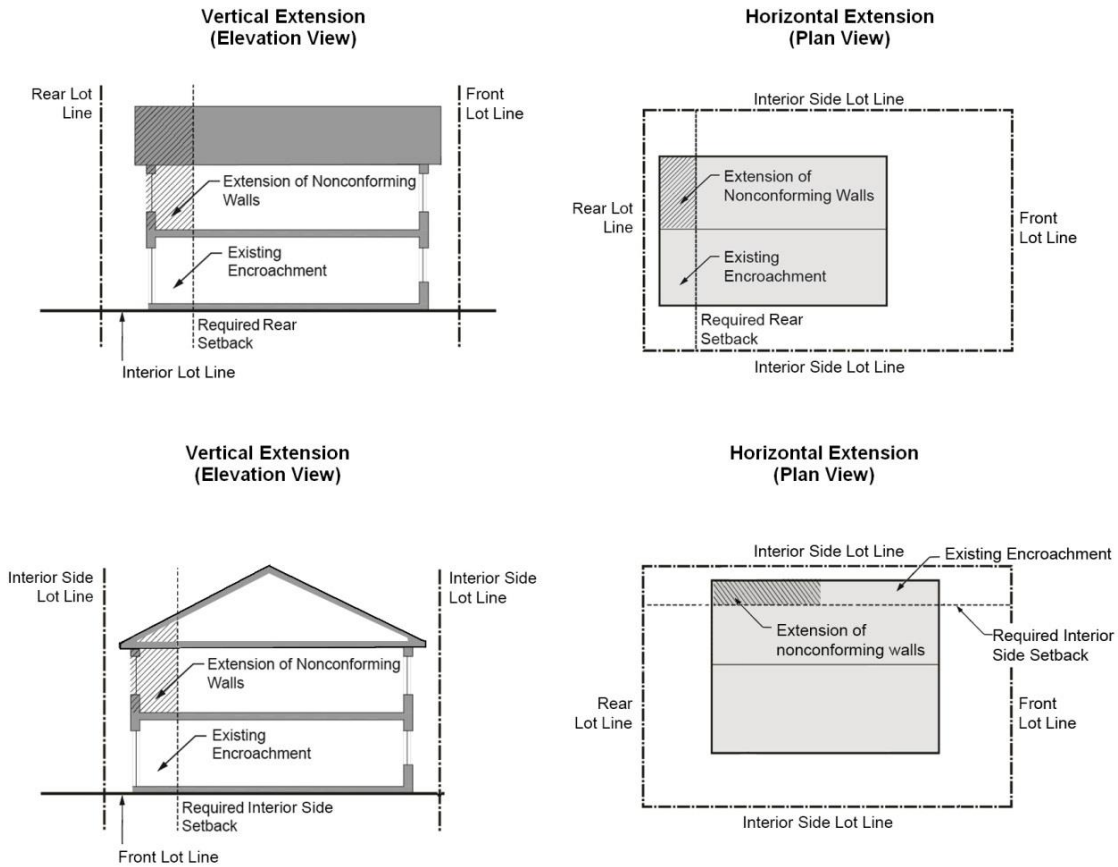
E. Damage or Destruction

1. In the event that a nonconforming structure is damaged or destroyed by the fault of the property owner or tenant, the structure, as restored or repaired, shall be rebuilt to comply with all requirements of this Ordinance.
2. In the event that any nonconforming structure is damaged or destroyed through no fault of the property owner or tenant, it may be repaired or rebuilt to the same size and dimension as previously existed, provided that a building permit is obtained within one year following the damage or destruction.

F. Extension of Walls for Nonconforming Single-Family, Two-Family, Semi-Detached, and Three-Family Dwellings

Where a single-family, two-family, semi-detached, or three-family dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate this Ordinance. (Figure 20-1)

FIGURE 20-1



2003 NONCONFORMING LOT

A. Definition

A nonconforming lot is synonymous with a substandard lot of record, as defined in Section 201.

B. Use

~~Notwithstanding limitations imposed by other provisions of this Ordinance, a nonconforming lot of record in a residential district may be used for a single family dwelling.~~

BC. Development

~~Development of a nonconforming lot shall meet all applicable dimensional or bulk regulations of the district in which it is located. For development of a nonconforming lot, the setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement for new subdivisions of the zoning district in which the lot is located. All other dimensional requirements for the zoning district shall apply.~~

CD. Enlargement or Subdivision of Substandard Lots

Lawfully established lots which have less than the minimum area requirements, may be maintained and may be changed by adding additional land to such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this Section. Such lots may be reconfigured by adjusting lot lines so long as there is no increase to the degree of an existing nonconformity and no new nonconformities are created.

2004 NONCONFORMING SITE ELEMENTS

A. Definition

A nonconforming site element is a site development element, such as landscaping, fences or walls, lighting, parking, and site paving, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming.

B. Maintenance

Normal maintenance and incidental repair to a nonconforming site element may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

C. Required Conformance

All nonconforming site elements shall be brought into conformance when the following occurs:

1. The existing principal structure is demolished and a new structure is constructed.
2. A new principal structure is constructed.
3. The existing principal structure is increased in total building footprint by 30% or more.
4. An existing parking lot of 10 or more spaces is fully reconstructed or repaved or an existing parking lot area is expanded by 50%. Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other surface paving material, is not considered reconstruction.
5. When 50% or more of the length of a fence or wall is reconstructed along any one lot line, all fences or walls on the site shall be brought into conformance.
6. When 25% or more of exterior lighting fixtures are replaced, all exterior lighting on the site shall be brought into conformance.
7. Landscaping shall be brought into conformance when any of the following development activities occur. The limits of disturbance is defined as the boundary within which all construction, grading, paving or repaving, landscaping, and related activities occur.
 - a. Full conformance is required for the entire development or area within the limits of disturbance, whichever is less.
 - b. If the area within the limits of disturbance equals more than 50% of the area of the lot or lots being developed, the entire development shall conform.
 - c. No development or tree cutting may result in a loss of trees and landscaping below what is required by this Ordinance.

2005 NONCONFORMING SIGNS

- A.** A nonconforming sign and sign structure may remain in use, so long as it remains otherwise lawful and has not been damaged, destroyed, or removed as described in Paragraph D below. The sign face of an

existing nonconforming sign may be replaced, but the structure cannot be altered to accommodate such change.

- B. No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign and sign structure conforms to all regulations of the zoning district in which the sign is relocated.
- C. No nonconforming sign can be altered or enlarged in a way that increases the nonconformity of the sign or sign structure. This in no way precludes normal maintenance and cleaning or changing of the sign face.
- D. In the event that any nonconforming sign and sign structure is damaged or destroyed to the extent of more than 50% of its value prior to the damage, the sign and sign structure cannot be restored or repaired unless it conforms to all applicable regulations for the district.
- E. Any nonconforming sign that is located on property that has failed to maintain a valid business license or that becomes vacant and unoccupied for a period of one year or more is presumed abandoned. Abandoned nonconforming signs shall be removed by the owner of the sign or the property owner of the premises. No permits or approvals may be issued for buildings with nonconforming abandoned signs until such signs are removed. No business license may be issued for businesses with nonconforming abandoned signs after the date that such nonconforming signs are required to be removed or come into conformance.

2006 USES BY VARIANCE OR SPECIAL USE PERMIT

A. Definition

Any use or dimensional variation that does not conform to this ordinance and which exists by virtue of a special use permit, use variance or a dimensional variance granted by the Zoning Board of Review shall not be considered a nonconformity. Such use or dimensional variation shall be considered a use by special use permit, use variance or dimensional variance, respectively.

B. Change of Use

1. A use by variance or special use permit may be changed to a permitted use.
2. Any moving, addition, enlargement, expansion, or intensification of a use by variance or special use permit shall require an application for a special use permit or variance from the Zoning Board of Review, in accordance with this ordinance.
3. Within residential districts, a portion of a building containing a non-residential use by variance or special use permit may be converted to a single dwelling unit, regardless of the maximum number of units permitted by the dimensional regulations in this Ordinance.
4. Within residential districts, for a residential use by variance or special use permit, the number of dwelling units may be reduced, regardless of the maximum number of units permitted by the dimensional regulations in this Ordinance.
5. Within any non-residential district, a use by variance may be changed to another use if the Zoning Board of Review grants a special use permit deeming the proposed use to be less intensive than the existing use.