

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER

No. An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence Entitled "The City of Providence Zoning Ordinance" approved November 24, 2014, as amended, to change Articles 2 and 12 relating to entertainment.

*Be it ordained by the City of Providence:*

**SECTION 1:** Chapter 27 of the Code of Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved November 24, 2014, as amended, is hereby further amended as follows:

### 201 DEFINITION OF GENERAL TERMS

**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 preselected play list over the permanently installed sound system. If a bar or restaurant includes ~~i~~ncidental ~~e~~ntertainment, 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.

**Incidental Entertainment - Expanded.** Background music provided at a bar or restaurant. Incidental Entertainment - Expanded is limited to the following formats: a) live music performance which may be amplified; or b) trivia and/or karaoke. If a bar or restaurant includes Incidental Entertainment - Expanded, it cannot charge a cover charge, 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. Incidental Entertainment - Expanded shall cease at 9:00 p.m. on Sunday through Thursday and 11:00 p.m. on Friday and Saturday.

**Table 12-1 USE MATRIX**

Use	R-1A	R-1	R-3	R-4	RP	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	P-S	O-S	C-D	Use Standard
Live Entertainment - Ancillary Use							<del>SP</del>	<del>SP</del>	S		P		P		P				Sec. 1202.Q
Temporary <del>Outdoor</del> Entertainment	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P		Sec. 1203.D

### 1202 PRINCIPAL USE STANDARDS

#### U. Outdoor Dining

- Outdoor dining shall not interfere with any pedestrian access or parking spaces and aisles.
- 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.
- The Director of Public Works may require such seating areas to be delineated through paint or structures to prevent unauthorized encroachments.
- 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.

## 1203 TEMPORARY USE STANDARDS

### D. Temporary ~~Outdoor~~ Entertainment

1. ~~The timeframe for outdoor Temporary e~~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 ~~shall not require a temporary use permit~~. Temporary ~~outdoor E~~entertainment events ~~in residential districts~~ are limited to ~~three~~nine 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 ~~the~~ 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.~~

~~5.3. Outdoor Temporary E~~entertainment shall be located on private property unless an encroachment permit is approved to allow outdoor entertainment in the public right-of-way.

## 1204 USE DEFINITIONS

**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 ~~E~~entertainment - ~~A~~ncillary ~~U~~se shall be approved separately as a principal use. Live ~~E~~entertainment - ~~A~~ncillary ~~U~~se 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. Temporary Entertainment.~~

4. Incidental ~~E~~entertainment.

~~5. Incidental Entertainment - Expanded.~~

**Temporary ~~Outdoor~~ Entertainment.** ~~A temporary Periodic live entertainment event, indoor or outdoor 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, such as the performance of live music, revue, or play within an outdoor space.~~ Temporary ~~outdoor E~~entertainment events include fireworks shows, horse shows, animal shows, carnivals/circuses, temporary worship services, and others similar events.

**SECTION 2:** This Ordinance shall take effect upon passage.