CITY OF PROVIDENCE

ZONING ORDINANCE

CHAPTER 2014-39 NO. 513

ADOPTED NOVEMBER 24, 2014

EFFECTIVE DECEMBER 24, 2014

CONTAINS AMENDMENTS UP TO AND INCLUDING ORDINANCE 2016-18, APPROVED MAY 2, 2016

Providence Zoning Ordinance Adoption and Amendment History

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2016-18	162	5/2/16	Map

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ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

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100 TITLE

This Ordinance, which incorporates the City of Providence Zoning Map, is known, cited, and referred to as the "City of Providence Zoning Ordinance," "Zoning Ordinance," or "Ordinance."

101 PURPOSE

The intent of this document is to establish land use regulations to serve the City of Providence, also cited as the "City" in this Ordinance. The districts and regulations set forth in this Ordinance are in compliance with the Comprehensive Plan. The purposes of this Ordinance include:

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

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

C. Providing for orderly growth and development which recognizes:

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

2. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution.

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

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

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

6. The need to shape and balance urban and rural development.

7. The use of innovative development regulations and techniques.

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

E. Providing for the protection of the natural, historic, cultural, and scenic character of the city or areas in the municipality.

F. Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

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

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

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

J. Promoting safety from fire, flood, and other natural or unnatural disasters.

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

L. Promoting implementation of the Comprehensive Plan.

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

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

O. Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special use permits, and, where adopted, procedures for modifications.

P. Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42, and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §12101 et seq.

102 APPLICABILITY

A. Territorial Application

This Ordinance applies to all land, uses, and structures within the corporate limits of the City of Providence. This Ordinance does not apply to land, uses, and structures located within the public right-of-way, with the exception of certain permitted encroachments into the right-of-way per Section 302.

B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

C. Required Conformance

Any portion or whole of a structure shall be erected, constructed, reconstructed, moved, or enlarged in conformance with the requirements of this Ordinance. Any structure or land shall be used and occupied in conformance with the requirements of this Ordinance.

D. Relation to Private Agreements

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. The City does not enforce any private agreement.

E. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Ordinance controls over less restrictive City statutes, ordinances, or regulations, and more restrictive City statutes, ordinances, or regulations control over the provisions of this Ordinance.

F. Rules of Construction

This Ordinance contains illustrations, photos, and graphics to assist the reader in understanding and applying the Ordinance. If there is any inconsistency between the text of the Ordinance and any such illustration, photo, and/or graphic, the text controls unless specifically stated otherwise.

103 TRANSITION RULES

A. Existing Illegal Structures and Uses

A structure or use that is illegal at the time of the adoption of, but is made legal by the provisions of this Ordinance, is deemed lawful as of the effective date of this Ordinance. However, if that structure or use does not conform to every requirement of this Ordinance, then that structure or use remains illegal.

B. Existing Uses

1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use shall conform to the procedural and substantive requirements of this Ordinance for special uses.

2. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use shall conform to any Ordinance requirements for such permitted use and is no longer subject to the special use ordinance under which it was originally approved.

3. If a structure or land is used in a manner that was classified as either a permitted or special use prior to the effective date of this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Article 20.

C. Structures Rendered Nonconforming

If a structure existing on the effective date of this Ordinance was a conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Article 20.

D. Lots Rendered Nonconforming

If a lot existing on the effective date of this Ordinance was a conforming lot before the effective date of this Ordinance, but such lot does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot and is controlled by the provisions of Article 20.

E. Site Elements Rendered Nonconforming

If a site element existing on the effective date of this Ordinance was conforming before the effective date of this Ordinance, but such site element does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that site element is deemed a nonconforming site element and is controlled by the provisions of Article 20.

F. Previously Issued Building Permits

If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of that permit with any additional extensions granted by the Building Official, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.

G. Previously Granted Variances

All variance approvals granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the variance before the approval expires, including any periods of extension granted, the provisions of this Ordinance control.

H. Pending Applications

An application that has been submitted and deemed complete is subject to the Ordinance requirements in effect on the date the application was deemed complete.

104 SEVERABILITY

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

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 accordance with the definitions considered to be normal dictionary usage.

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.

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

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 historic appearance of a property including but not limited to paving, doors, windows, signs, materials, decorative accessories, fences, and historic 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.

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.

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.

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 the having to exist 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.

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.

Garage. A structure, either attached 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.

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

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.

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.

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.

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.

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.

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.

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

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.

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.

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, Front. Defined in Section 202.

Setback, Interior Side. Defined in Section 202.

Setback, Corner 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 typically intended to store lawn, garden, or recreational equipment.

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 be 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)

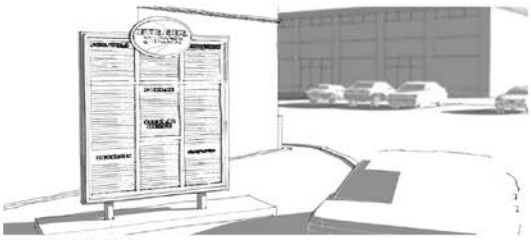
Site Plan. The development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

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.

FIGURE 2-1

Freestanding Sign

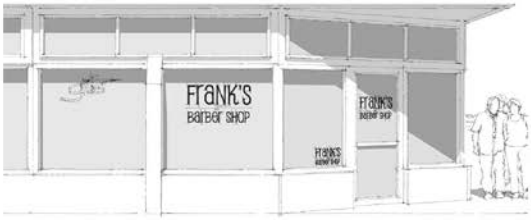


Menuboard Sign

Projecting Sign

Roof Sign

Monument Sign



Window Sign

Wall Sign

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.

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.

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.

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, Front. Defined in Section 202.

Yard, Interior Side. Defined in Section 202.

Yard, Corner 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

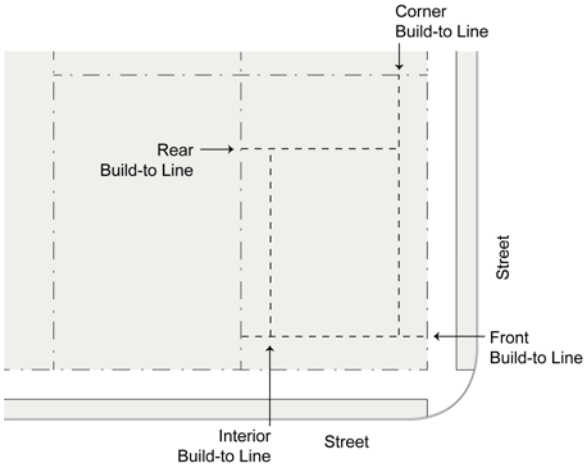
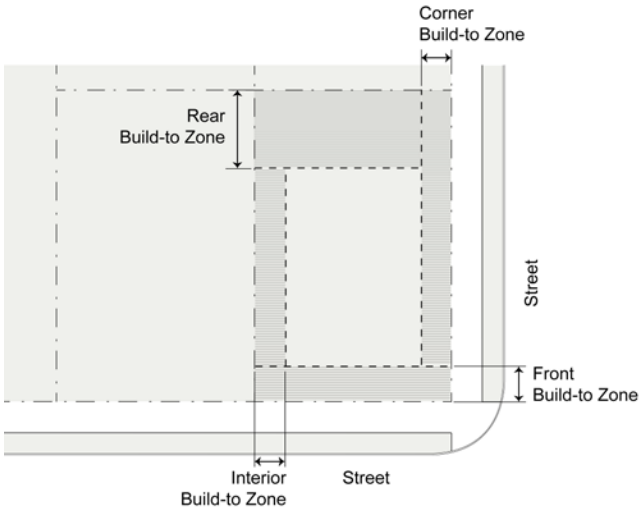


FIGURE 2-3



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. Building height is measured as the vertical distance from grade to the top of the highest point of the roof or structure. This method of building height applies to all structures unless specifically exempted by this Ordinance. The distance may exclude spires, chimneys, flag poles, and the like, as described in item 2 below. (Figure 2-4)

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, 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.

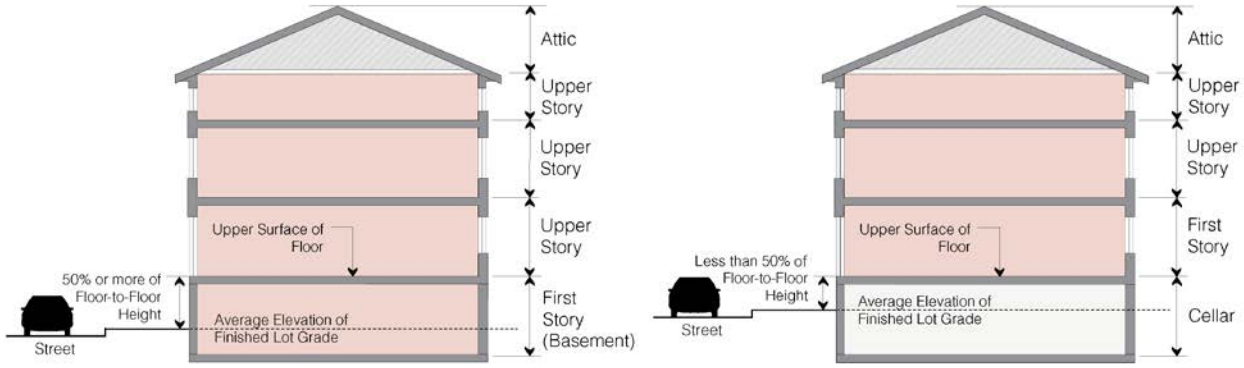
ii. All mechanical appurtenances or penthouses to house mechanical appurtenances roof equipment shall be set back from the edge of the roof a minimum distance of one foot for every two feet by which the equipment extends above the roof.

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 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.

1. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area of the total area of the lot.

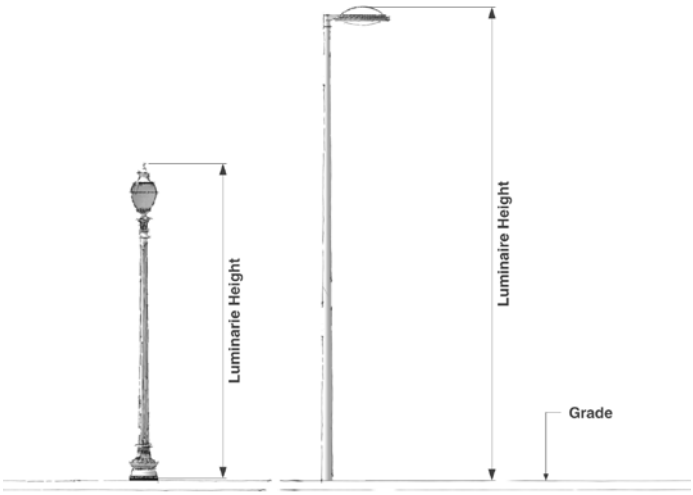
2. Maximum impervious surface of a specific yard is calculated as the percentage of all impervious surface area of the total yard area. Yard area is defined in item O below.

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

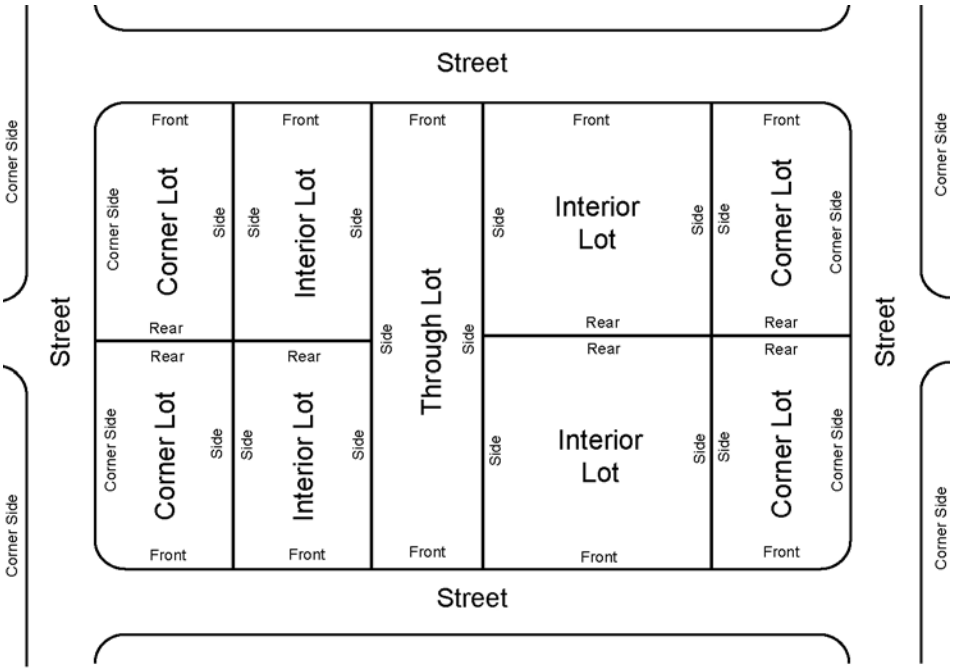
A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer 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 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

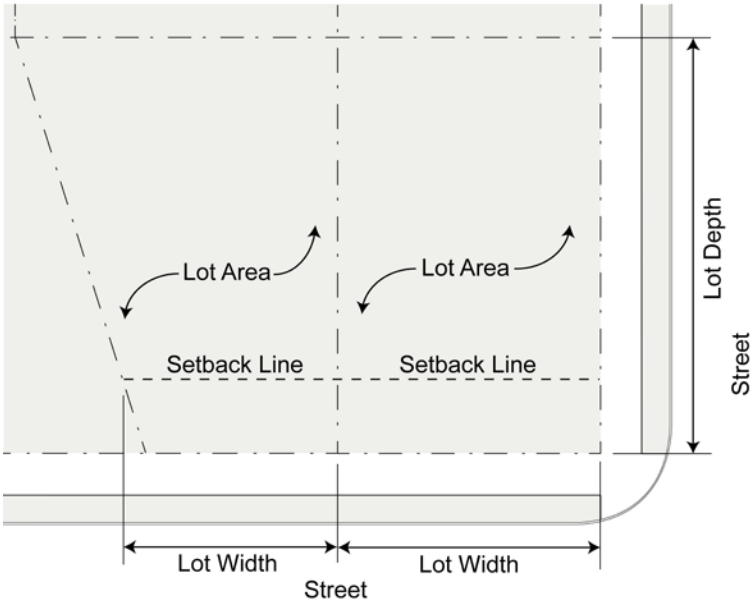
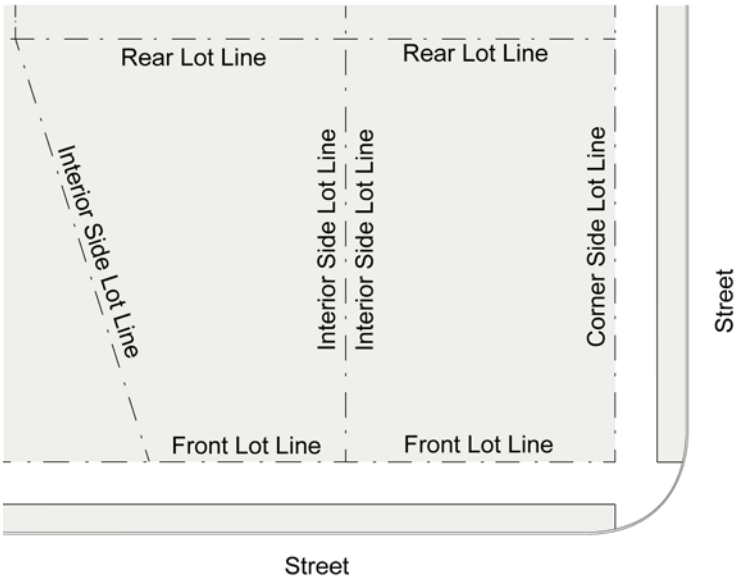


FIGURE 2-9



N. Sign Dimension Measurement

1. Measurement of Sign Area

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

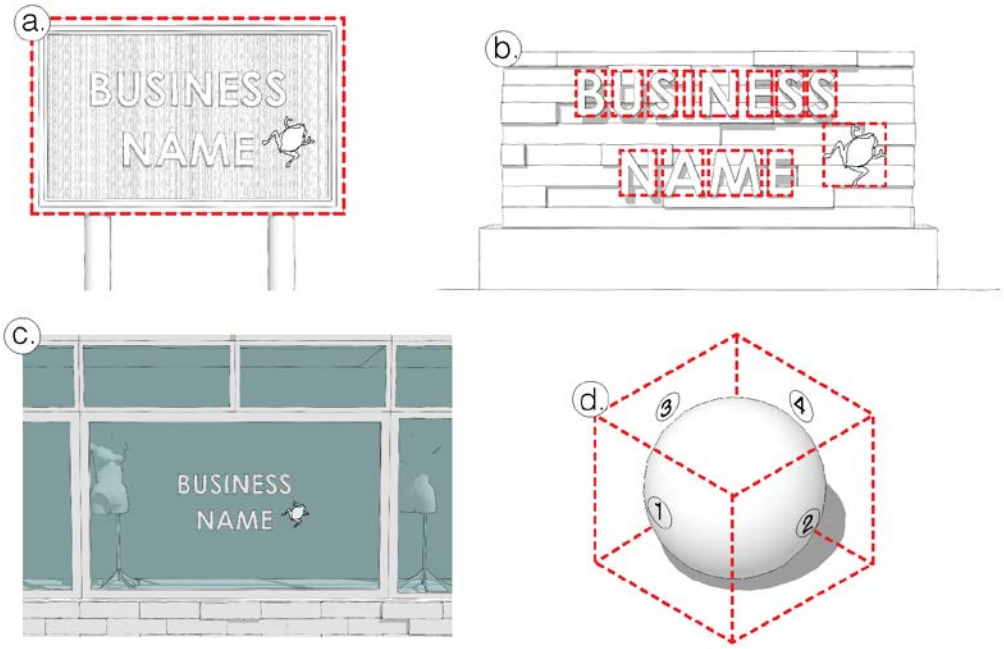
a. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.

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.

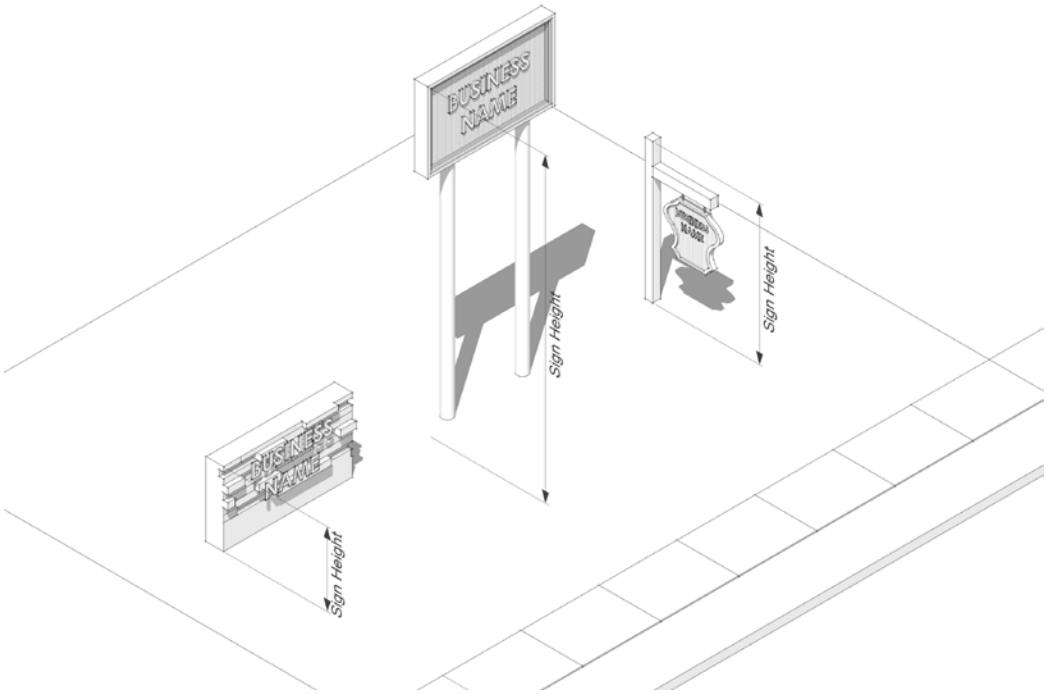
FIGURE 2-10



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.

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.

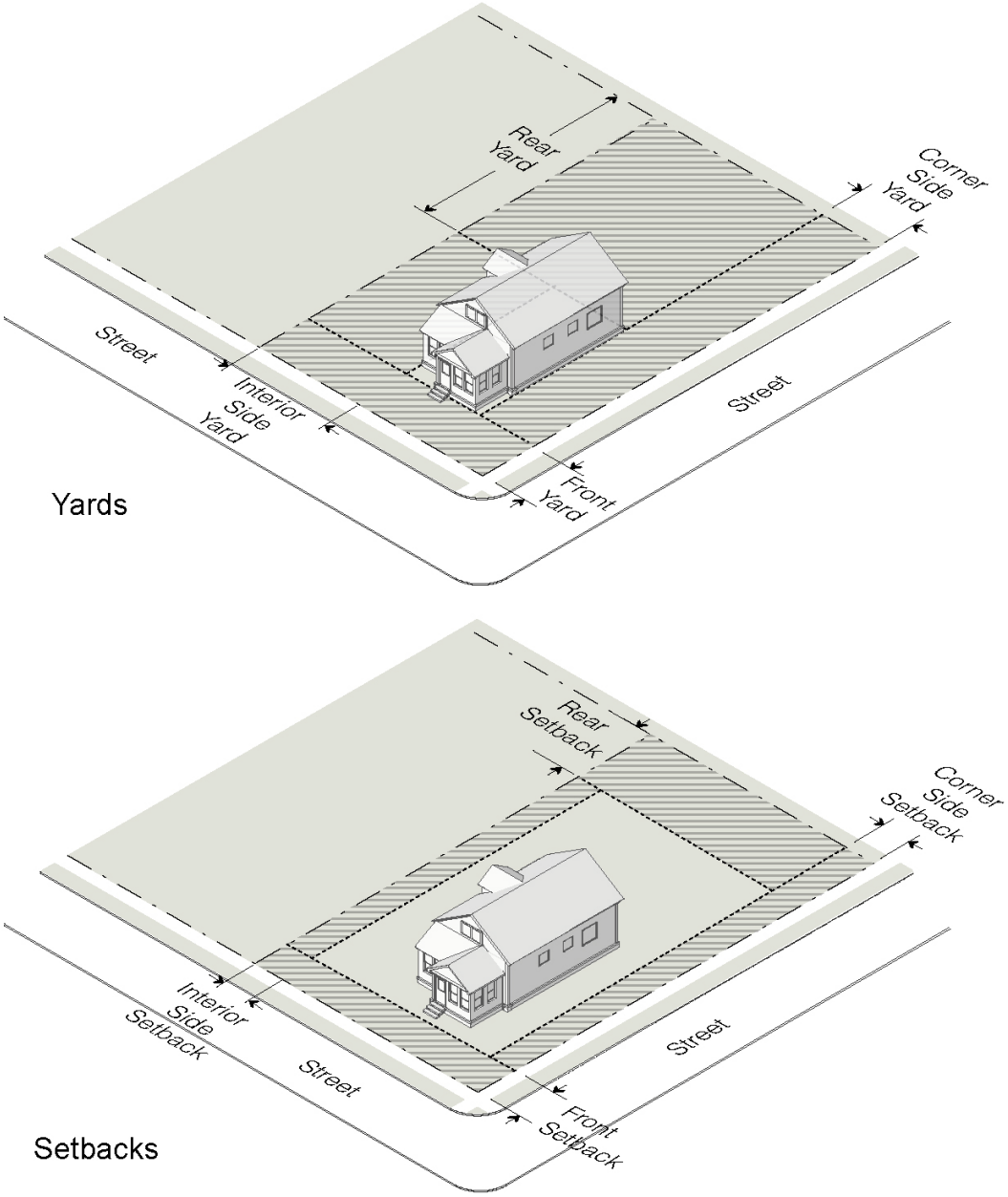
3. Corner Side Yard and Corner Side Setback

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


Rear Yard
Corner Side Yard
Street
Interior Side Yard
Street
Front Yard
Yards
Rear Setback
Corner Side Setback
Interior Side Setback
Street
Street
Front Setback
Setbacks

ARTICLE 3. ZONING DISTRICTS

300 DISTRICTS
301 ZONING MAP
302 EXEMPTIONS FOR PUBLIC RIGHTS-OF-WAY AND PUBLIC UTILITIES

300 DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the City of Providence is divided into the following zoning districts:

A. Residential Districts

R-1A Residential District
R-1 Residential District
R-2 Residential District
R-3 Residential District
R-4 Residential District
R-P Residential Professional District

B. Commercial Districts

C-1 Neighborhood Commercial District
C-2 General Commercial District
C-3 Heavy Commercial District

C. Downtown Districts

D-1 Downtown District

D. Industrial Districts

M-MU Mixed-Use Industrial District
M-1 Light Industrial District
M-2 General Industrial District

E. Institutional Districts

I-1 Healthcare Institutional District
I-2 Educational Institutional District

F. Waterfront Districts

W-2 Mixed-Use Waterfront District
W-3 Port/Maritime Industrial Waterfront District

G. Open Space and Public Space Districts

OS Open Space District
PS Public Space District
CD Conservation District

H. Special Purpose Districts

CC Capital Center Special Development District
DD Downcity Overlay District
ES East Side I-195 Overlay District
HD Historic District Overlay District
Special Flood Hazard Areas
TOD Transit-Oriented Development Overlay District
I-3E Educational Institutional Overlay District
I-3H Healthcare Institutional Overlay District

301 ZONING MAP

A. Maintenance of Zoning Map

The City Clerk is the custodian of the Zoning Ordinance and Zoning Map. The Department of Planning and Development is responsible for updating the Zoning Ordinance and Zoning Map when it is amended by the City Council and shall provide such amended text and maps to the City Clerk.

B. Location of Districts

1. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into, and made an integral part of, this Ordinance.

2. It is the intent of this Ordinance that the entire area of the City, including all land and water areas, are included in the zoning districts established by this Ordinance. Any land lying within the City, but not shown on the Official Zoning Map as being included within a district, is classified as the R-1 District.

C. Interpretation of Boundary Lines

1. Right-of-Way Lines

Where zoning district boundary lines coincide with streets, highways, expressways, easements, railroads, or waterways (rivers, lakes, streams, or other bodies of water), the boundary line is construed to be the centerline of the right-of-way.

2. Property Lines

Where zoning district boundary lines coincide with a recorded property line, the property line is construed to be the boundary line of the district.

3. Scaled Lines

Where the district boundary lines do not coincide with a right-of-way line or recorded property line, the district boundary is determined by measuring such boundary line(s) by using the map scale as provided on the Zoning Map.

4. Clarification of Boundary Lines

The Zoning Board of Review decides any interpretations of zoning district boundary lines, where there is doubt as to the boundary between two zoning districts.

302 EXEMPTIONS FOR PUBLIC RIGHTS-OF-WAY AND PUBLIC UTILITIES

A. The provisions of this Ordinance do not apply to land located within public rights-of-way, except for encroachments into the public right-of-way authorized under this Ordinance.

B. The following utility uses are exempt from the provisions of this Ordinance and permitted in any district: wires, cables, conduits, vaults, laterals, pipes, mains, hydrants, valves and water supply wells.

C. This exemption does not include utilities, power plants, solar energy systems (principal use), wind energy systems (principal use), or wireless telecommunications, as defined in Article 12, or amateur (HAM) radio equipment, solar energy systems (accessory use), or wind energy systems (accessory use). All such structures shall comply with this Ordinance and any other applicable City ordinances.

D. Any structure, fixture, excavation, obstruction, or encroachment erected or maintained over, onto, or under any public right-of-way requires a right-of-way encroachment permit in accordance with Section 1914.

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 & SD – Existing Lots: None SF & SD - New Subdivisions: 7,500sf Non-Residential: 7,500sf	SF & SD - Existing Lots: None SF & SD - New Subdivisions: 5,000sf Non-Residential: 5,000sf	SF & SD - Existing Lots: None SF & SD - New Subdivisions: 5,000sf 2F - Existing Lots: 4,000sf 2F - New Subdivisions: 5,000sf Non-Residential: 5,000sf	SF & SD - Existing Lots: None SF & SD - 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 & SD – Existing Lots: None SF & SD - New Subdivisions: 3,500sf 2F: 3,500sf 3F: 3,500sf RH: 3,500sf min. with at least 1,150sf/du MF: 3,500sf min. with at least 1,200sf/du Non-Residential: 3,500sf	SF & SD - Existing Lots: None SF & SD - 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 & SD – Existing Lots: None SF & SD - New Subdivisions & Non-Residential: 75' Non-Residential: 75'	SF & SD - Existing Lots: None SF & SD - New Subdivisions: 50' Non-Residential: 50'	SF & SD - Existing Lots: None SF & SD - New Subdivisions: 50' 2F - Existing Lots: 40' 2F - New Subdivisions: 50' Non-Residential: 50'	SF & SD - Existing Lots: None SF & SD - New Subdivisions: 50' 2F - Existing Lots: 35' 2F - New Subdivisions: 50' 3F: 50' RH: 50' minimum with at least 12'/du Non-Residential: 50'	SF & SD - Existing Lots: None SF & SD - New Subdivisions: 35' 2F: 35' 3F: 35' RH: 35' minimum with at least 12'/du MF: 35' Non-Residential: 35'	SF & SD - Existing Lots: None SF & SD - New Subdivisions: 50' 2F - Existing Lots: 35' 2F - New Subdivisions: 50' 3F: 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	40', not to exceed 3 stories	45', not to exceed 3 stories	45', not to exceed 3 stories	45'	45'
Maximum Building Coverage	35%	45%	45%	45%	SF, SD, 2F, 3F, RH: 45% MF, Non-Residential: 55%	SF, SD, 2F, 3F, RH: 45% MF, Non-Residential: 55%

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
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%
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 Setback	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4' Lot width more than 40': 6'
Minimum Corner Side Setback	Same dimension as front setback	Same dimension as front setback	Same dimension as front setback	Same dimension as front setback	Same dimension as front setback	Same dimension as front setback
Minimum Rear Setback	25% of lot depth or 25', whichever is less	25% of lot depth or 25', whichever is less	25% of lot depth or 25', whichever is less	25% of lot depth or 25', whichever is less	25% of lot depth or 25', whichever is less	25% of lot depth or 25', whichever is less

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 5. COMMERCIAL DISTRICTS

500 PURPOSE STATEMENTS
501 USES
502 DIMENSIONAL STANDARDS
503 DESIGN STANDARDS
504 GENERAL STANDARDS OF APPLICABILITY

500 PURPOSE STATEMENTS

A. C-1 Neighborhood Commercial District

The C-1 Neighborhood Commercial District is intended for areas of small to medium-scale commercial use, typically located along urban corridors.

B. C-2 General Commercial District

The C-2 General Commercial District is intended for more intensive commercial uses and key commercial nodes, including larger retail establishments.

C. C-3 Heavy Commercial District

The C-3 Heavy Commercial District is intended for areas of more intense commercial use that are generally not appropriate for lower intensity commercial districts, including uses related to motor vehicles and those that may require outdoor storage. Because of the impacts from more intensive commercial uses, the controls of this district ensure that setbacks, buffering and site development controls are in place to mitigate negative impacts on neighboring uses.

501 USES

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

502 DIMENSIONAL STANDARDS

A. General Standards

Table 5-1: Commercial District Dimensional Standards establishes the dimensional standards for the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

B. Residential Dwellings

Two-family, three-family, and rowhouse dwellings in the commercial districts are subject to the dimensional standards of the R-3 District. Multi-family and mixed-use developments are subject to the standards of the commercial district.

TABLE 5-1: COMMERCIAL DISTRICT DIMENSIONAL STANDARDS			
	C-1	C-2	C-3
Bulk Standards			
Minimum Lot Area	None	None	None
Minimum Building Height	16'	16'	None
Minimum First Story Height	9' Residential use 11' Non-Residential use	9' Residential use 11' Non-Residential use	9' Residential use 11' Non-Residential use
Maximum Building Height	45', not to exceed 4 stories	50', not to exceed 4 stories	50', not to exceed 4 stories
Maximum Building Coverage	None	None	None
Total Maximum Impervious Surface Coverage	None	None	None
Minimum Setback Requirements			
Front Setback	Build-to zone of 0' to 5' see 503.A.6 for built-to percentage requirement	Build-to zone of 0' to 5' - see 503.A.6 for built-to percentage requirement	None; unless multi-tenant retail center, then 503.B apply
Interior Side Setback	None; unless abutting residential district, then 5'	None; unless abutting residential district, then 10'	None; unless abutting residential district, then 10'
Corner Side Setback	Build-to zone of 0' to 5' - see 503.A.6 for built-to percentage requirement	Build-to zone of 0' to 5' - see 503.A.6 for built-to percentage requirement	None
Rear Setback	None, unless abutting residential district, then 10'	None, unless abutting residential district, then 20'	None, unless abutting residential district, then 20'

503 DESIGN STANDARDS

The following design standards apply to new construction, including additions to existing structures, and substantial repair or rehabilitation of the exterior façade of an existing structure. In the case of repair or rehabilitation, only those standards that relate to the specific actions taken apply. The City Plan Commission may waive these design standards as part of City Plan Commission Development Plan Review (Section 1906).

A. C-1 and C-2 District Design Standards

The following design standards apply to new and existing non-residential structures, including mixed-use development. Residential dwellings, except for multi-family and mixed-use development, are not subject to these standards, but rather the principal use standards for that particular dwelling type, as indicated in Section 1202.

1. Façade

a. Building facades shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street. Building facades that are 100 linear feet or more shall include a repeating architectural pattern with two or more of the following elements: color change, texture change, material change, or a wall articulation change such as a reveal, pilaster, or projecting rib.

b. Awnings shall be constructed of metal, canvas, or fire-resistant acrylic. Use of plastic and vinyl are prohibited.

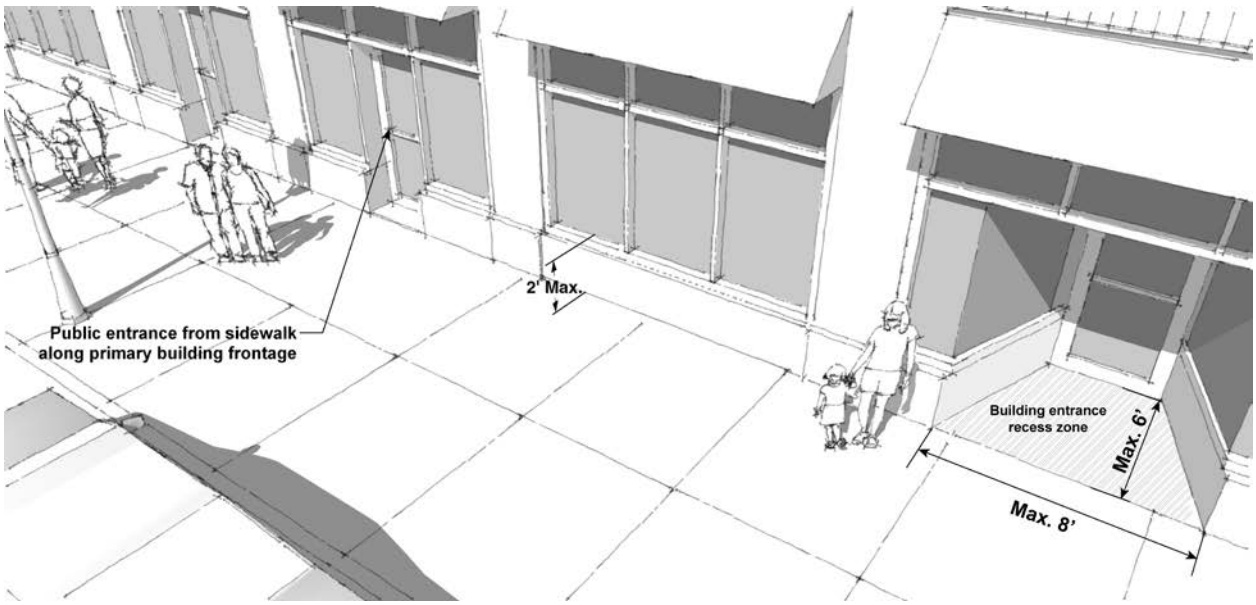
c. Dome and waterfall awning types are prohibited, with the exception of a dome awning over the building entrance only. The use of one continuous awning across more than one building is prohibited.

2. Building Entry

a. All buildings shall have an orientation to and public entrance from the sidewalk along the primary building frontage. Public entrances shall be visually distinctive from the remaining portions of the façade along which it is located. (Figure 5-1)

b. A ground floor building entrance shall not be recessed more than six feet from the required front setback, and shall not be wider than eight feet. Such a recess is considered to meet any required minimum build-to percentage. (Figure 5-1)

FIGURE 5-1



3. Fenestration

a. Ground floor facades shall contain a total area of transparency of 50% or more of the wall area of the ground floor, measured between two and nine feet above the adjacent grade. This requirement shall not apply to the portions of building façades that front on side lot lines on corner lots. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and is not subject to the ground floor transparency minimum. Multi-family dwellings or residential portions of mixed use buildings are not subject to the ground floor transparency minimum.

b. Ground floor and upper story windows on facades in new and existing buildings shall be composed of glass with a visible light transmittance (VLT) of at least 50% and a maximum exterior reflectivity of no more than 12%. The use of opaque materials such as brick, metal, or sheet rock to cover or fill a window opening is prohibited.

c. For windows on the ground floor of a building, the bottom of the window frame shall be located no higher than two feet above the adjacent grade.

d. Each upper story façade shall provide areas of transparency equal to at least 10% of the wall area of the story.

e. External roll down security window guards are prohibited.

4. Roof

a. Parapet walls along the roof shall feature three-dimensional cornice treatments or other shadow-creating details.

b. Green roof, blue roof, and white roof designs are encouraged.

c. Reflective surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

5. Building Materials

a. The following building materials are prohibited on any façade:

i. Plain concrete block

ii. Glass block

iii. Exposed aggregate (rough finish) concrete wall panels

iv. Exterior insulating finish systems (EIFS) is prohibited on first-story façades

v. T-111 composite plywood siding

vi. Plastic

vii. Vinyl (excluding cellular vinyl trim) is prohibited on first-story façades

b. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade.

i. Corrugated metal

ii. Cellular vinyl trim

6. Build-To Percentage

a. Front Setback

The required build-to percentage is 60% of the front lot line.

b. Corner Side Setback

The required build-to percentage is 40% of the corner side lot line.

7. Multi-Tenant Retail Centers

Multi-tenant retail centers in C-1 and C-2 Districts shall comply with the following additional design standards.

a. The site shall be designed so that there is safe pedestrian access to the center from the public right-of-way and safe pedestrian circulation within the development.

b. A cohesive character is required through the use of coordinated hardscape treatment (special paving materials, lighting, street furniture, etc.) and landscaping.

B. C-3 District Design Standards

The following design standards apply to new and existing non-residential structures, including mixed-use development. Residential dwellings are not subject to these standards, but rather the principal use standards for that particular dwelling type, as indicated in Section 1202,

1. Façade

a. All facades shall have at least two of the following architectural features to avoid the appearance of blank walls: change in plane, reveals, windows and openings, and changes in color, texture and/or material to add visual interest to the building elevation.

b. Awnings shall be constructed of metal, canvas, or fire-resistant acrylic. Use of plastic and vinyl are prohibited.

c. Dome and waterfall awning types are prohibited, with the exception of a dome awning over the building entrance only. Use of one continuous awning across more than one building is prohibited.

2. Fenestration

a. Ground floor transparency shall contain a total area of transparency of 50% or more of the wall area of the ground floor, measured between two and nine feet above the adjacent grade.

b. Ground floor and upper story windows in new and existing buildings shall be composed of glass with visible light transmittance (VLT) of at least 50% and a maximum exterior reflectivity of no more than 12%. The use of opaque materials such as brick, metal, or sheet rock to cover or fill a window opening is prohibited.

c. Each upper story façade shall provide areas of transparency equal to at least 10% of the wall area of the story.

d. Solid surface roll down security window guards are prohibited.

3. Roof

a. Green roof, blue roof, and white roof designs are encouraged.

b. Reflective surfaces that produce glare are prohibited, except for solar panels and white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

4. Building Materials

a. The following building materials are prohibited on any façade:

i. Plain concrete block

ii. Glass block

iii. Exposed aggregate (rough finish) concrete wall panels

iv. Exterior insulating finish systems (EIFS) is prohibited on first-story façades

v. T-111 composite plywood siding

vi. Plastic

vii. Vinyl (excluding cellular vinyl trim) is prohibited on first-story façades

b. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade.

i. Corrugated metal

ii. Cellular vinyl trim

5. Multi-Tenant Retail Centers

Multi-tenant retail centers in C-3 Districts shall comply with the following additional design standards. (Figure 5-2). For multi-tenant retail centers, these design standards take precedence over the front setback requirements listed in Table 5-1

a. When a multi-tenant retail center is situated behind a large parking lot, a street presence for the shopping center shall be created by locating part of the center or an outlot building within 0 to 10 feet of the lot line at the primary street corner or the shopping center entrance. When a center's frontage on the primary street exceeds 250 feet, outlot buildings shall be built to within 0 feet to 10 feet of the front lot line for at least 25% of the frontage.

b. If outlot buildings are part of a multi-tenant retail center, outlot buildings shall define the street frontage by placement within 0 feet to 10 feet of the lot line at the primary street with showcase windows and entrances oriented toward the street and the interior parking lot.

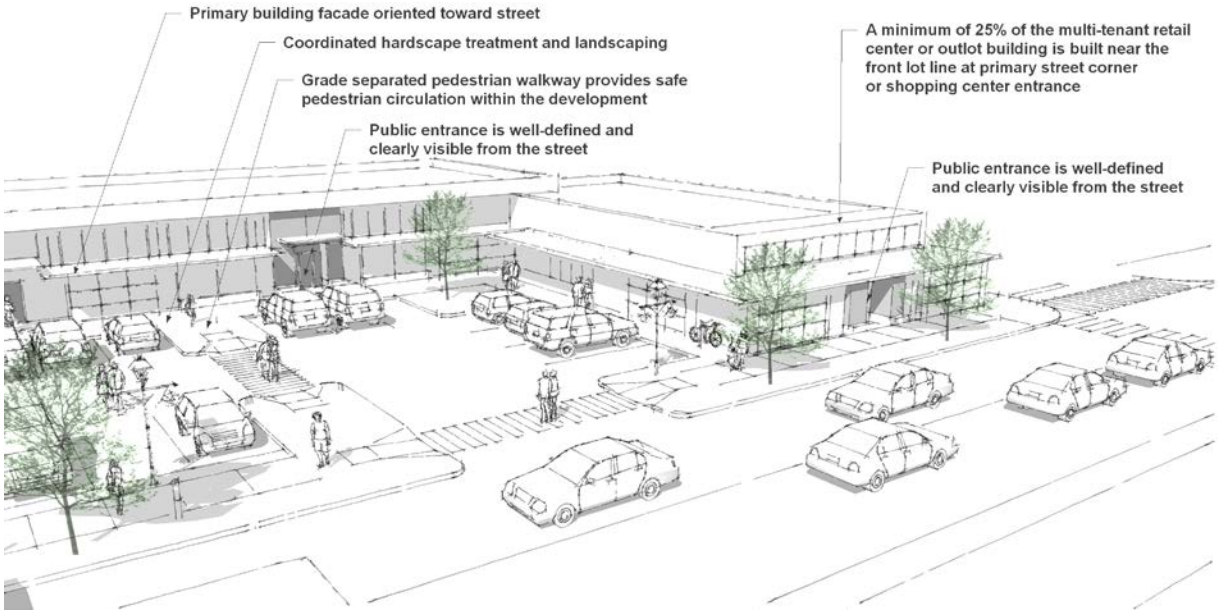
c. The primary facade shall be oriented toward the street with entrances facing or clearly visible from the primary street. Main entrances to the buildings shall be well-defined.

d. The site shall be designed so that there is safe pedestrian access to the center from the public right-of-way and safe pedestrian circulation within the development.

e. A cohesive character is required through the use of coordinated hardscape treatment (special paving materials, lighting, street furniture, etc.) and landscaping.

f. All façades of an outlot structure shall comply with the building material regulations of item 4 above.

FIGURE 5-2



504 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 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.

601 USES

A. General Regulations

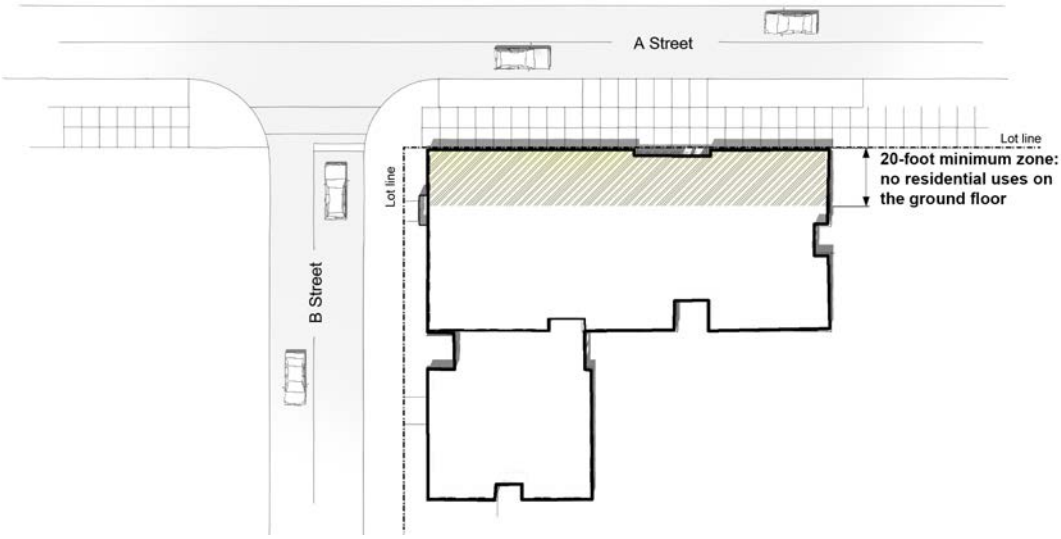
Article 12 lists permitted and special principal uses and temporary uses for the D-1 Downtown District.

B. Use Restrictions

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

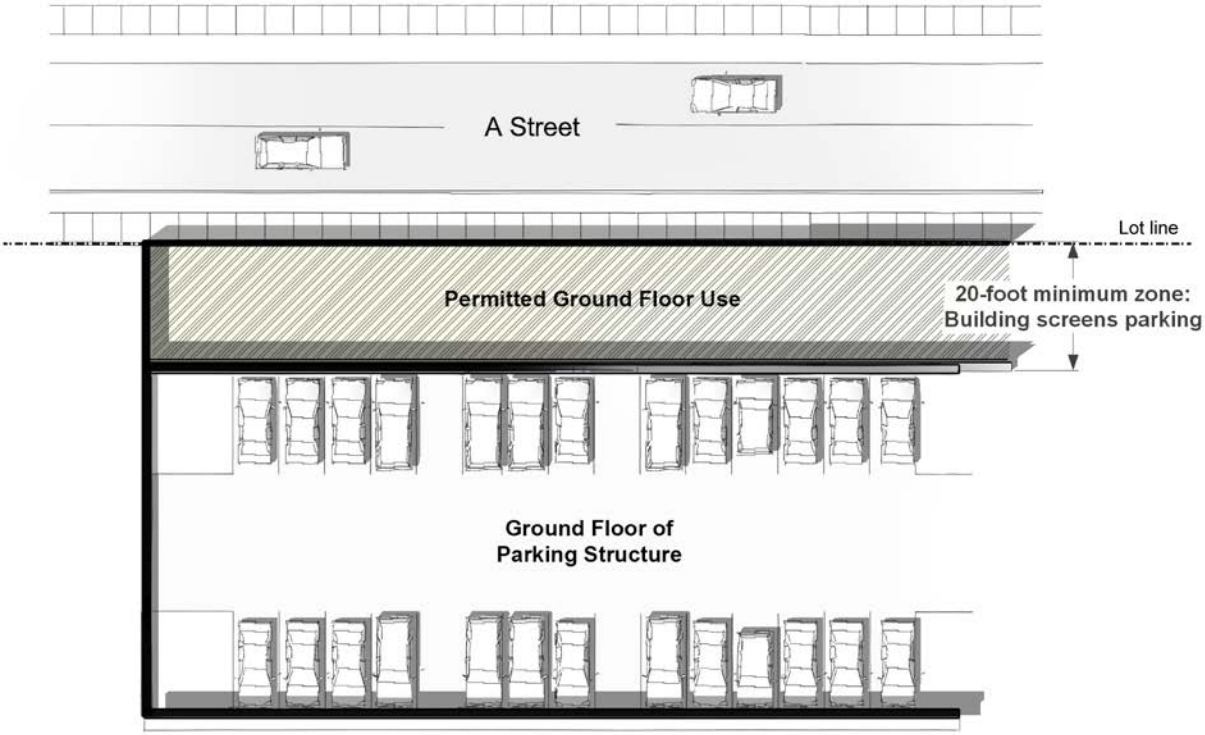
1. For a building that fronts on an A Street, residential uses are prohibited on the ground floor within 20 feet of the A Street. Lobbies and common spaces associated with residences are permitted within this area. (Figure 6-1)

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 seven 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

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

Two types of development incentives are permitted in the D-1 District to encourage development that is compatible with the goals of the comprehensive plan: bonuses and transfer of development rights.

1. All requests for development incentives shall be reviewed by the Downtown Design Review Committee at a public hearing in accordance with Section 1906 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. Incentives – Transfer of Development Rights

Development rights may be transferred from a building listed in the National Register of Historic Places for which the applicant donates a preservation restriction whose purpose is the preservation of the exterior of the building as of the date of the conveyance of such restriction to the Rhode Island Historical Preservation Commission. Structures on sending lots shall be restored and maintained as required by the Downtown Design Review Committee.

1. The gross building height that may be transferred from any sending lot to a receiving lot is the difference between the permitted zoning height as detailed on the Zoning Map and the height of the existing building on the date of the transfer. In no case may the receiving lot building height exceed the lesser of 300 feet or 1.6 times the permitted zoning height.

2. The fee owners of sending and receiving lots shall execute a deed or other agreement to be recorded with the title to both lots. This agreement or deed shall be for a term that equals or exceeds the life of the project on the receiving lot for which the rights were transferred. The agreement or deed shall state that the development rights transferred from the sending lot to the receiving lot may not be reclaimed unless the project on the receiving lot or that portion of the project for which the rights were transferred is demolished. The deed or agreement shall also provide that its covenants and conditions run with the land and are specifically enforceable by any party or by the City.

H. Changes

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

604 DEVELOPMENT 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 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 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 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. For lots with A and B Street frontage, such access from an A Street may also be granted when the B Street is determined by the City Traffic Engineer to be substandard for maintaining adequate traffic flow.

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 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. Such areas may contain hardscape elements. (Figure 6-3)

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 may require fences and/or walls to buffer the parking.

d. The Downtown Design Review Committee 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 may impose further conditions to ensure that surface parking areas do not have a negative impact on the surroundings.

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. For lots with A and B Street frontage, such access from an A Street may also be granted when the B Street is determined by the City Traffic Engineer to be substandard for loading access.

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 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

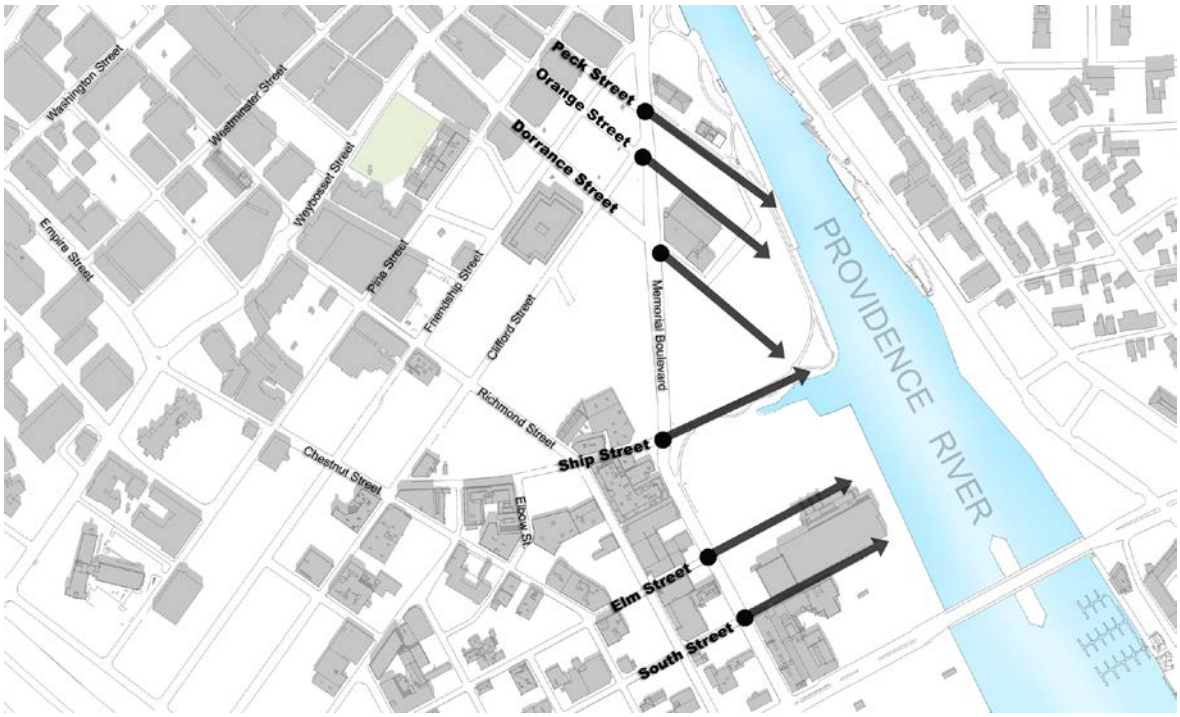
c. Dorrance Street, southeast from its intersection with Memorial Boulevard, to the Providence River

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 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 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 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 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 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)

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 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 exterior insulated finishing systems (EIFS), vinyl, and other similar products is prohibited on the first floor and discouraged on upper floors.

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 less than 35 feet between entrances.

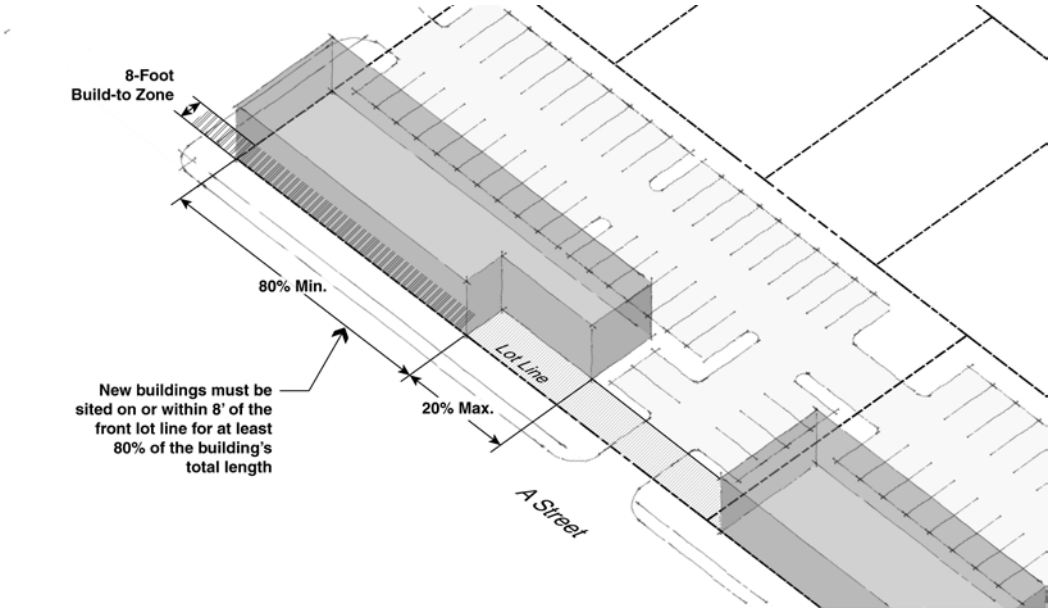
D. Façade Design

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 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.

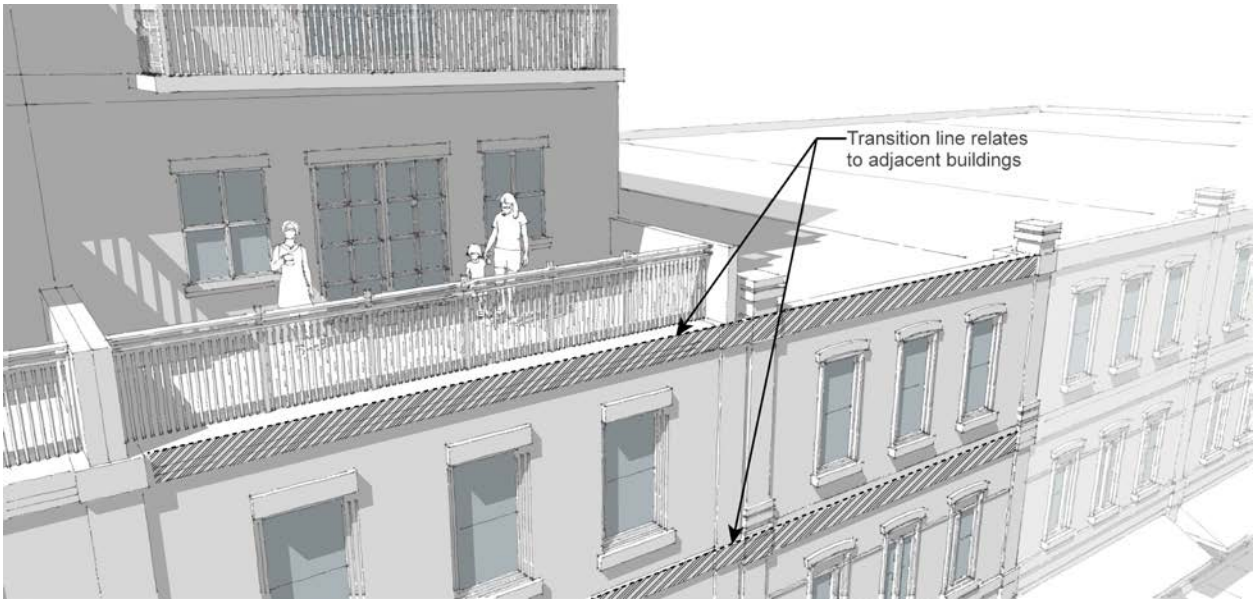
b. Building facades shall be designed to have multiple entrances, with no less than 35 feet between entrances. This provision may be waived by the Downtown Design Review Committee.

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)

FIGURE 6-7



E. Fenestration Design

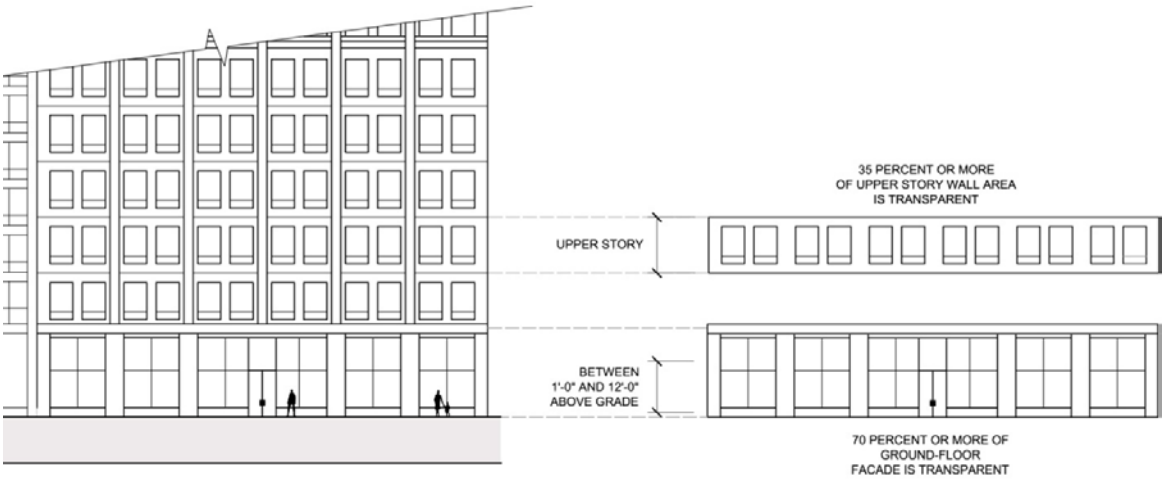
1. All building facades shall provide areas of transparency equal to at least 70% of the wall area, between the height of one and 12 feet from the ground, of each building facade. This provision may be waived by the Downtown Design Review Committee. (Figure 6-8)

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. (Figure 6-8)

3. Upper story façade shall provide areas of transparency equal to at least 35% of the wall area of the story. This provision may be waived by the Downtown Design Review Committee. (Figure 6-8)

4. Windows shall only be composed of clear or lightly tinted glass. Highly reflective window coatings are prohibited.

FIGURE 6-8

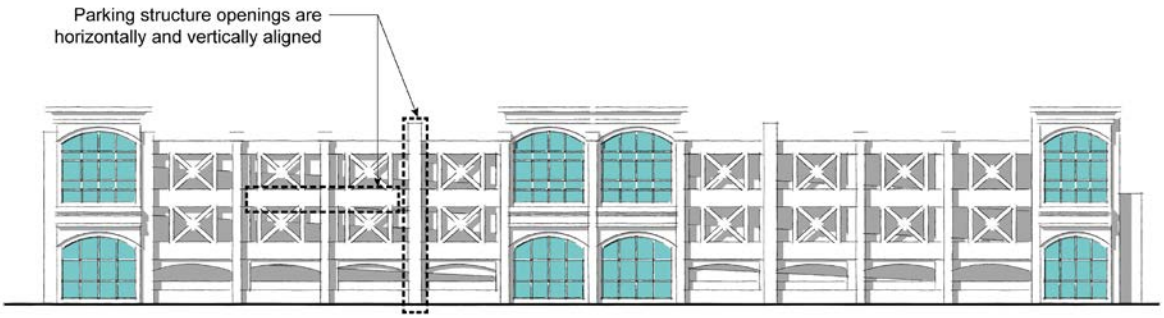


F. Parking Structure Design

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

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

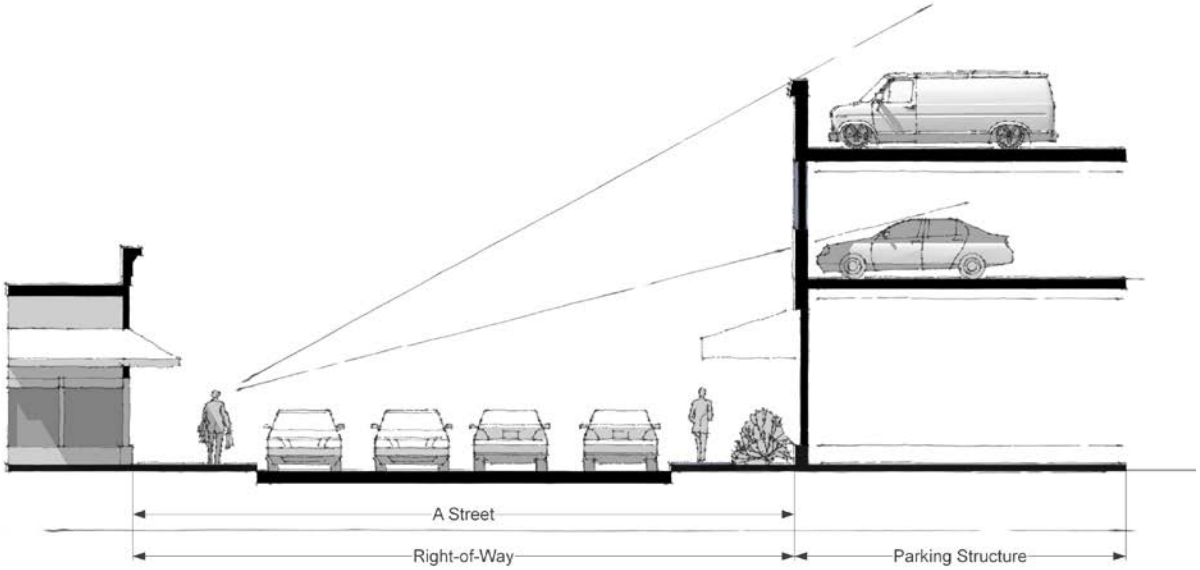
FIGURE 6-9



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 7. INSTITUTIONAL DISTRICTS

700 PURPOSE STATEMENTS
701 USES
702 DIMENSIONAL STANDARDS
703 GENERAL STANDARDS OF APPLICABILITY

700 PURPOSE STATEMENTS

A. I-1 Healthcare Institutional District

The I-1 Healthcare Institutional District is intended to permit health care facilities and their expansion in a planned manner while protecting the surrounding neighborhoods. The I-1 District is divided into two height sub-districts: the I-1-75 Sub-district that allows a maximum height of 75 feet, and the I-1-200 Sub-district that allows a maximum height of 200 feet.

B. I-2 Educational Institutional District

The I-2 Educational Institutional District is intended to permit higher education institutions and their expansion in a planned manner while protecting the surrounding neighborhoods.

701 USES

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

702 DIMENSIONAL STANDARDS

Table 7-1: Institutional District Dimensional Standards establishes the dimensional standards for the institutional districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

TABLE 7-1: INSTITUTIONAL DISTRICT DIMENSIONAL STANDARDS			
	I-1		I-2
	I-1-75	I-1-200	
Bulk Standards			
Minimum Lot Area	None	None	None
Maximum Building Height	75' with following setback/height sliding scale: ‣ When a residential district is located on the opposite side of the street, then 30' height at lot line then 1' additional in height for each 1' additional setback up to 75 '. (Figure 7-1) ‣ When abutting a residential district, then 40' height at lot line for 30' setback then 1' additional in height for each 1' additional setback up to 75'. (Figure 7-2)	200' with following setback/height sliding scale: ‣ When a residential district is located on the opposite side of the street, then 30' height at lot line then 1' additional in height for each 1' additional setback up to 200 '. (Figure 7-1) ‣ When abutting a residential district, then 40' height at lot line for 30' setback then 1' additional in height for each 1' additional setback up to 200'. (Figure 7-2)	75' with following setback/height sliding scale: ‣ When a residential district is located on the opposite side of the street, then 30' height at lot line then 1' additional in height for each 1' additional setback up to 75'. (Figure 7-1) ‣ When abutting a residential district, then 40' height at lot line for 30' setback then 1' additional in height for each 1' additional setback up to 75'. (Figure 7-2)
Setback Requirements			
Front Setback	None	None	None
Interior Side Setback	None, unless abutting a residential district then a minimum of 6' plus 4' for each 12' in height over the first 12'	None, unless abutting a residential district then a minimum of 6' plus 4' for each 12' in height over the first 12'	None, unless abutting a residential district then a minimum of 6' plus 4' for each 12' in height over the first 12'
Corner Side Setback	None	None	None
Rear Setback	None, unless abutting residential district, then 30'	None, unless abutting residential district, then 30'	None, unless abutting residential district, then 30'

FIGURE 7-1

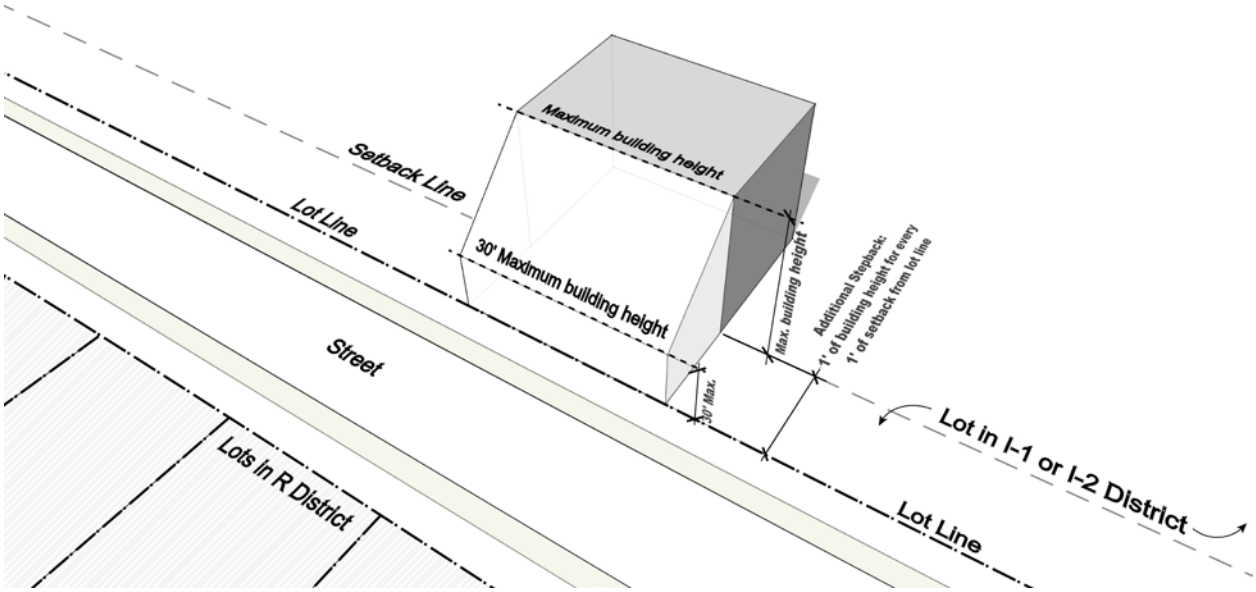
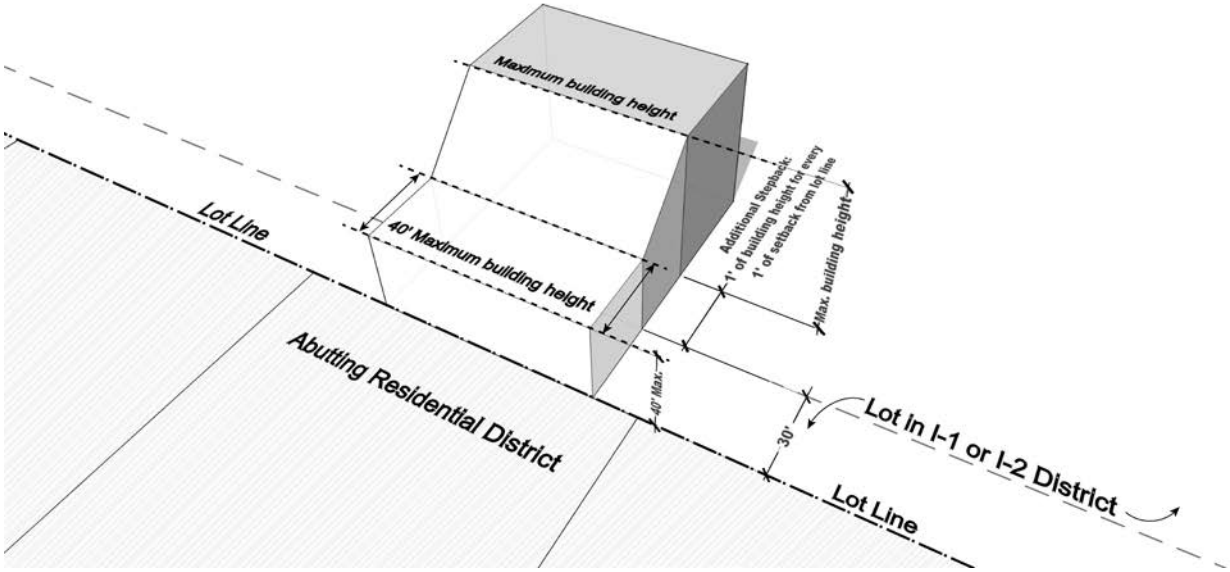


FIGURE 7-2



703 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 8. INDUSTRIAL DISTRICTS

800 PURPOSE STATEMENTS
801 USES
802 DIMENSIONAL STANDARDS
803 DESIGN STANDARDS
804 GENERAL STANDARDS OF APPLICABILITY

800 PURPOSE STATEMENTS

A. M-MU Mixed-Use Industrial District

The M-MU Mixed-Use Industrial District is intended to encourage the reuse of older industrial buildings, and compatible new development, for mixed-use environment of light industrial use and a variety of other non-industrial uses, such as live/work dwellings, higher density residential, commercial, and limited institutional uses. The M-MU District is divided into two height sub-districts: the M-MU-75 Sub-District that allows a maximum height of 75 feet, and the M-MU-90 Sub-District that allows a maximum height of 90 feet.

B. M-1 Light Industrial District

The M-1 Light Industrial District is intended for light industrial and office park uses that accommodate a variety of manufacturing, assembly, storage of durable goods, and related activities provided that they do not pose toxic, explosive or environmental hazard in the City.

C. M-2 General Industrial District

The M-2 General Industrial District is intended to provide areas for moderate and heavy intensity industrial uses, especially for those uses that are potentially hazardous, noxious, or incompatible with the uses in other districts.

801 USES

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

802 DIMENSIONAL STANDARDS

Table 8-1: Industrial Districts Dimensional Standards establishes the dimensional standards for the industrial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

TABLE 8-1: INDUSTRIAL DISTRICT DIMENSIONAL STANDARDS				
	M-MU		M-1	M-2
	M-MU-75	M-MU-90		
Bulk Standards				
Minimum Lot Area	None	None	None	None
Maximum Building Height	75’	90’	75’	90’
Minimum Setbacks				
Front Setback	None, unless a residential district is located on the opposite side of the street, then 10’	None, unless a residential district is located on the opposite side of the street, then 10’	None, unless a residential district is located on the opposite side of the street, then 10’	None, unless a residential district is located on the opposite side of the street, then 20’
Interior Side Setback	None, unless abutting a residential district, then 10’	None, unless abutting a residential district, then 10’	None, unless abutting a residential district, then 20’	None, unless abutting a residential district, then 20’
Corner Side Setback	None, unless a residential district is located on the opposite side of the street, then 10’	None, unless a residential district is located on the opposite side of the street, then 10’	None, unless a residential district is located on the opposite side of the street, then 20’	None, unless a residential district is located on the opposite side of the street, then 20’

TABLE 8-1: INDUSTRIAL DISTRICT DIMENSIONAL STANDARDS				
	M-MU		M-1	M-2
	M-MU-75	M-MU-90		
Rear Setback	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 20'

803 DESIGN STANDARDS

The following design standards apply to new construction, including additions to existing structures, and substantial repair or rehabilitation of the exterior façade of an existing structure. In the case of repair or rehabilitation, only those standards that relate to the specific actions taken apply. The City Plan Commission may waive these design standards as part of City Plan Commission Development Plan Review (Section 1906).

A. Site Layout

1. Where office or guest facilities are part of the development, the entry to office or guest facilities shall have direct access from street frontages and parking areas. Manufacturing and warehouse structures should be set back towards the center of the site to minimize impact on adjacent parcels.

2. For campus developments, a distinct visual link shall be established among various buildings by using architectural or site design elements such as courtyards, plazas, landscaping, and walkways to unify the project. Campus developments shall provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the campus and commercial uses outside the development.

3. The parking lot shall not be the dominant visual element of the site along the primary frontage. Smaller multiple parking lots separated by landscaping and buildings or placement behind buildings is required.

B. M-MU District Design Standards

1. Multi-Tenant Retail Centers

Multi-tenant retail centers in M-MU Districts shall comply with the following additional design standards. (Figure 8-1).

a. When a multi-tenant retail center is situated behind a large parking lot, a street presence for the shopping center shall be created by locating part of the center or an outlot building within 0 to 10 feet of the lot line at the primary street corner or the shopping center entrance. When a center's frontage on the primary street exceeds 250 feet, outlot buildings shall be built to within 0 feet to 10 feet of the front lot line for at least 25% of the frontage.

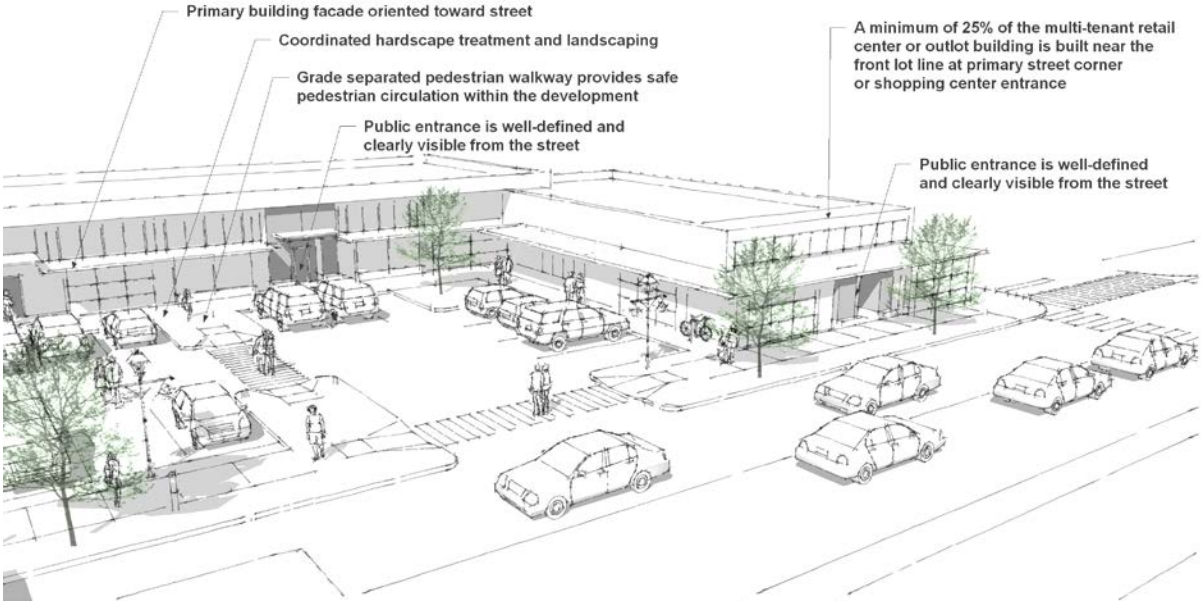
b. If outlot buildings are part of a multi-tenant retail center, outlot buildings shall define the street frontage by placement within 0 feet to 10 feet of the lot line at the primary street with showcase windows and entrances oriented toward the street and the interior parking lot.

c. The primary facade of the building shall be oriented toward the street with entrances facing or clearly visible from the primary street. Main entrances to the buildings shall be well defined.

d. The site shall be designed so that there is safe pedestrian access to the center from the public right-of-way and safe pedestrian circulation within the development.

e. A cohesive character is required through the use of coordinated hardscape treatment (special paving materials, lighting, street furniture, etc.) and landscaping.

FIGURE 8-1



804 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 9. WATERFRONT DISTRICTS

900 PURPOSE STATEMENTS
901 USES
902 DIMENSIONAL STANDARDS
903 W-2 DISTRICT DESIGN STANDARDS
904 GENERAL STANDARDS OF APPLICABILITY

900 PURPOSE STATEMENTS

A. W-2 Mixed-Use Waterfront District

The W-2 Mixed Use Waterfront District is intended to promote a balance among appropriately scaled residential and commercial development. The W-2 District encourages compatible development with adjacent areas and surrounding residential neighborhoods and enhances and creates public access to the waterfront as a public resource.

B. W-3 Port/Maritime Industrial Waterfront District

The W-3 Port/Maritime Industrial Waterfront District is intended to promote maritime industrial and commercial uses within the areas of Providence's waterfront, protect the waterfront as a resource for water-dependent industrial uses, and facilitate the renewed use of a vital waterfront.

901 USES

Article 12 lists permitted and special principal uses and temporary uses for the waterfront districts. In the W-3 District, all permitted and special uses shall be a part of a marine enterprise or dependent on access to the waterfront.

902 DIMENSIONAL STANDARDS

Table 9-1: Waterfront District Dimensional Standards establishes the dimensional standards for the waterfront districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

TABLE 9-1: WATERFRONT DISTRICT DIMENSIONAL STANDARDS		
	W-2	W-3
Bulk Standards		
Minimum Lot Area	5,000sf	None
Minimum Lot Width	50’	None
Maximum Building Height	75’	90’
Minimum Setback Requirements		
Front Setback	None	None
Interior Side Setback	6’	6’
Corner Side Setback	None	None
Rear Setback	None, unless abutting a residential district, then 20’	None, unless abutting a residential district, then 30’

903 W-2 DISTRICT DESIGN STANDARDS

The following design standards apply to new construction, including additions to existing structures, and substantial repair or rehabilitation of the exterior façade of an existing structure. In the case of repair or rehabilitation, only those standards that relate to the specific actions taken apply. These design standards apply to new and existing non-residential structures, including mixed-use development. Residential dwellings, except for multi-family and mixed-use developments, are not subject to these standards, but rather the standards for that particular dwelling type. The City Plan Commission may waive these design standards as part of City Plan Commission Development Plan Review (Section 1906).

A. Façade

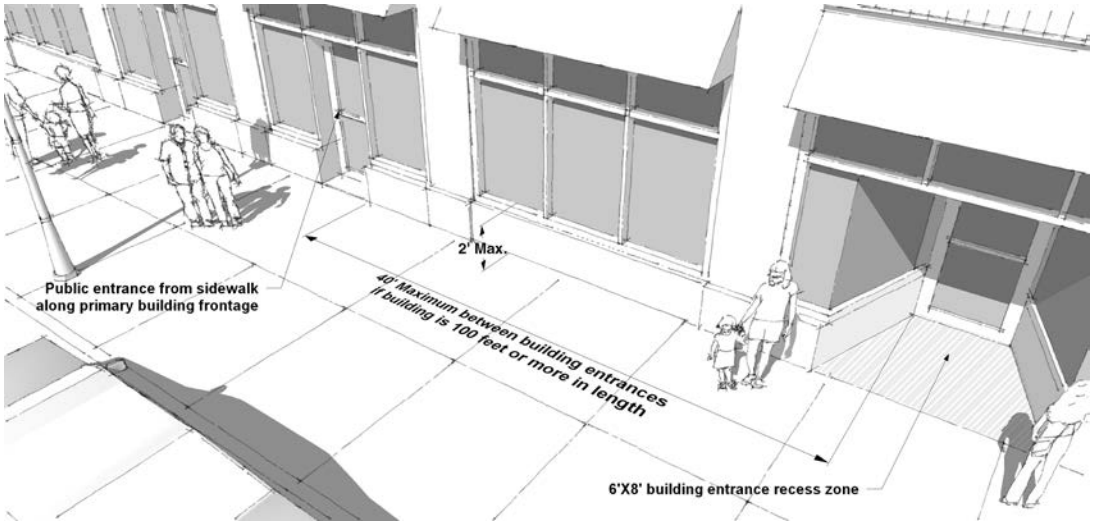
1. Building facades up to 100 linear feet in length shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street. Building facades that are 100 linear feet or more shall include a repeating architectural pattern with two or more of the following elements: color change, texture change, material change, or a wall articulation change such as a reveal, pilaster, or projecting rib.

B. Building Entry

1. All buildings shall have a public entrance oriented to the sidewalk along the primary building frontage. (Figure 9-1)

2. Building facades that are 100 or more linear feet in length shall incorporate building entrances no less than every 40 linear feet of building frontage along the primary building frontage. (Figure 9-1)

FIGURE 9-1



C. Fenestration

1. Ground floor transparency shall contain a total area of transparency of 50% or more of the wall area of the ground floor, measured between two and nine feet above the adjacent grade. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and is not subject to the transparency minimum.

2. Ground floor and upper story windows in new and existing buildings shall be composed of glass with a visible light transmittance (VLT) of at least 50% and a maximum exterior reflectivity of no more than 12%. The use of opaque materials such as brick, metal, or sheet rock to cover or fill a window opening is prohibited.

3. Each upper story façade shall provide areas of transparency equal to at least 10% of the wall area of the story.

4. For windows on the ground floor of a building, the bottom of the window frame shall be located no higher than two feet above the adjacent grade.

5. Solid surface roll down security window guards are prohibited.

D. Roof

1. Parapet walls along the roof shall feature three-dimensional cornice treatments or other shadow-creating details.

2. Green roof, blue roof, and white roof designs are encouraged.

3. Reflective surfaces that produce glare are prohibited, except for solar panels and white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

E. Building Materials

a. The following building materials are prohibited on any façade:

i. Plain concrete block

ii. Glass block

iii. Exposed aggregate (rough finish) concrete wall panels

iv. Exterior insulating finish systems (EIFS) is prohibited on first-story façades

v. T-111 composite plywood siding

vi. Plastic

vii. Vinyl (excluding cellular vinyl trim) is prohibited on first-story façades

b. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade:

i. Corrugated metal

ii. Cellular vinyl trim

F. Waterfront

1. New development is encouraged to maintain the view of the waterfront from any public street that extends to the waterfront or terminates prior to reaching the waterfront, but abuts the boundaries of this district.

2. Active ground floor uses are encouraged along waterfront facades. Outdoor extension of such uses, such as outdoor dining areas and plazas, are permitted.

904 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 10. OPEN SPACE AND PUBLIC SPACE DISTRICTS

1000 PURPOSE STATEMENTS
1001 USES
1002 DIMENSIONAL STANDARDS
1003 REGULATIONS FOR CONSERVATION DISTRICTS
1004 GENERAL STANDARDS OF APPLICABILITY

1000 PURPOSE STATEMENTS

A. OS Open Space District

The OS Open Space District is intended to preserve open space areas, conservation areas, and outdoor recreation areas. The OS District includes parks, wetlands, flood plains, cemeteries, conservation areas, and areas that cannot be developed.

B. PS Public Space District

The PS Public Space District is intended to preserve open space areas and areas for public buildings and facilities. The PS District includes park and recreation areas, public buildings, and schools.

C. CD Conservation District

The CD Conservation District is intended to protect City-owned conservation areas.

1001 USES

Article 12 lists permitted and special principal uses and temporary uses for the open space and public space districts.

1002 DIMENSIONAL STANDARDS

Table 10-1: Open Space and Public Space District Dimensional Standards establish the dimensional standards for the open space districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. Because of the unique nature of a conservation area, there are no dimensional standards for the CD District.

TABLE 10-1: OPEN SPACE AND PUBLIC SPACE DISTRICT DIMENSIONAL STANDARDS		
	OS	PS
Bulk Standards		
Minimum Lot Area	0	0
Minimum Lot Width	0	0
Maximum Building Height	50’	50’
Minimum Setback Requirements		
Front Setback	10’	10’
Interior Side Setback	6’	6’
Corner Side Setback	10’	10’
Rear Setback	25’	25’

1003 REGULATIONS FOR CONSERVATION DISTRICTS

CD Conservation Districts shall be maintained pursuant to a management plan for the district approved by the Board of Park Commissioners. The management plan shall be consistent with the following regulations.

A. Permitted Uses and Activities in the CD Conservation District

The following uses and activities are permitted in the CD Conservation District:

1. Passive enjoyment of the woodlands, rivers, streams, ponds and foot trails.

2. Protection and maintenance, including restoration as needed, of the natural woodlands for the safety and enjoyment of the residents of the City.

3. Maintenance and restoration of the foot trails that run through the woodlands and scenic views from the foot trails.

4. Maintenance and restoration of the vegetation, with occasional thinning and appropriate additional planting, and protection of the banks of rivers, streams, ponds, and coastal areas to prevent erosion.

5. Limited dredging of rivers, ponds, and coastal areas for restoration purposes.

6. Maintenance and restoration of streams, rivers, ponds, and wetlands.

7. Protection and encouragement of wildlife natural to the area.

8. Placement and maintenance of benches and trash receptacles for the enjoyment and health of the users of the urban forest.

9. Fishing (unless otherwise prohibited).

10. Such other uses as are consistent therewith.

B. Uses and Activities Prohibited in the CD Conservation Districts

The following uses and activities are not permitted in the CD Conservation District:

1. Placement or construction of any buildings or structures, including fenced enclosures for domestic or other animals, or other improvements of any kind that are unrelated to the preservation and maintenance of the urban forest.

2. Development of the urban forest in any manner other than to restore or maintain the foot trails, woodlands, rivers, ponds and coastal areas.

3. All vehicles, including motorcycles, motorized bicycles, snowmobiles, all-terrain vehicles, except police, emergency, and maintenance vehicles.

4. Ditching, draining, diking, filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials, or any building or roads or change in the topography of the land in any manner, except to restore or maintain the health of the woodlands, foot trails, rivers, streams, ponds and coastal areas.

5. Removal, destruction, or cutting of trees or plants, except as is necessary for maintenance or required to construct foot trails pursuant to a management plan.

6. Use of fertilizers, spraying with biocides and introduction of non-native plants and animals, except as may be authorized by a management plan.

7. Dumping or storing of ashes, trash, garbage, wastes, refuse, debris or other materials, and the changing of the topography through the placement of solid or other substances or materials such as land fill or dredging spoils, except to restore or maintain the health of the woodlands or rivers, streams or ponds in accordance with a management plan.

8. Activities on areas adjoining the district that will adversely affect the woodlands, rivers, streams, ponds and wetlands, including erosion or siltation of same.

1004 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 11. SPECIAL PURPOSE DISTRICTS

1100 PURPOSE STATEMENTS
1101 CC CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT
1102 DD DOWNCITY OVERLAY DISTRICT
1103 ES EAST SIDE I-195 OVERLAY DISTRICT
1104 HD HISTORIC DISTRICT OVERLAY DISTRICT
1105 TOD TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT
1106 I-3E EDUCATIONAL INSTITUTIONAL OVERLAY DISTRICT
1107 I-3H HEALTH CARE INSTITUTIONAL OVERLAY DISTRICT

1100 PURPOSE STATEMENTS

A. CC Capital Center Special Development District

The CC Capital Center Special Development District is established to govern in a coordinated manner the development of the Capital Center District in Downtown Providence, including implementation of special land use controls, proper urban planning, developmental tools, and implementation and administration of the Plan of Development.

B. DD Downcity District Overlay District

The DD Downcity District Overlay District is intended to regulate the design of buildings and open spaces in the historic core of Downtown Providence, and by fostering preservation of historic structures, to ensure that: new development is compatible with the existing historic building fabric and the historic character of downtown; historic structures are preserved, and design alterations are in keeping with historic character; development relates to the pedestrian; development promotes the arts, entertainment and housing; and, the goals of the Comprehensive Plan are achieved.

C. ES East Side I-195 Overlay District

The ES East Side 1-195 Overlay District is intended to regulate future land use and development of East Side surplus land made available through the relocation of Interstate 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.

D. HD Historic District Overlay District

The HD Historic District Overlay District covers designated districts or individual structures in the City of Providence. The purpose of historic districts is to safeguard the heritage of the city by preserving designated districts and individual structures of historic or architectural value which reflect elements of Providence's cultural, social, economic, political, and architectural history; to stabilize and improve property values in such districts or designated structures; to maintain and foster civic beauty; to strengthen the economy; and to promote the use of designated districts and structures for the education, pleasure and welfare of the citizens. Historic districts may include properties associated with broad patterns, events, and/or people significant in local, state or national history; which embody the distinctive characteristics of a broad range of building types and architectural styles and which may possess high artistic value and/or represent the work of a master builder, architect, landscape architect or other designer; and which lack individual distinction but which add to the historic district zone's status as a significant and distinguishable socio-cultural entity.

E. TOD Transit-Oriented Development Overlay District

The TOD Transit-Oriented Development Overlay District is intended to encourage the location of uses and forms of development that maximizes access to transit and encourages transit ridership. The TOD Overlay District is intended to promote new, well-integrated residential and commercial development around existing and potential future transit stations. The TOD Overlay District standards ensure that new development occurs in the form of compatible, higher density, transit-friendly design in close proximity to transit systems, encourage a pedestrian-orientation in new development, decrease reliance

on automobiles, and encourage multi-modal mobility.

F. I-3E Educational Institutional Overlay District

The I-3E Educational Institutional Overlay District is intended to encourage development in Downtown and along the City's commercial corridors by permitting higher education institutional uses, student housing, and practicums in addition to a variety of commercial, entertainment, residential, public, and other uses in select areas. Compatible and appropriate mixed-uses are encouraged to promote pedestrian activity at street levels while encouraging full and varied use on the upper floors. This district is intended to encourage the development of educational uses while preserving and fostering the economic vitality of the Downtown and the City's commercial corridors.

G. I-3H Health Care Institutional Overlay District

The I-3H Health Care Institutional Overlay District is intended to encourage development in Downtown and along the City's commercial corridors by permitting health care institutional uses including related uses such as research and development facilities and offices, in addition to a variety of commercial, entertainment, residential, public, and other uses in select areas. Compatible and appropriate mixed-uses are encouraged to promote pedestrian activity at street levels while encouraging full and varied use on the upper floors. This district is intended to encourage the development of health care uses while preserving and fostering the economic vitality of the Downtown and the City's commercial corridors.

1101 CC CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT

A. Application

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 which sets forth design and development criteria, regulations and enforcement procedures. Said Plan of Development is subject to those criteria, regulations and enforcement procedures as well as the provisions of this Ordinance.

B. Development Approval

Any property located in the D-1 District that is also located in the Capital Center Special Development District established in accordance with 2-361 through 365 of the Providence Code of Ordinances, shall comply with the regulations pertaining to uses, height, signs, landscaping, and parking. Properties in the Capital Center Special Development District shall be governed by the rules and regulations of the Capital Center Commission which it establishes from time to time pursuant to state law as well as the provisions of this Section. All development in the Capital Center Special Development District is subject to review by the Capital Center Commission following the process outlined in Article 19.

1102 DD DOWNCITY OVERLAY DISTRICT

A. Application

The DD Downcity Overlay District is intended to regulate the design of buildings and open space in the historic core of Downtown. The DD Overlay District is located entirely within the D-1 District.

B. Development Plan Review and Approval

Development in the DD Overlay District is subject to Development Plan Review and is approved by the Downtown Design Review Committee.

1103 ES EAST SIDE I-195 OVERLAY DISTRICT

A. Application

The design standards contained in this Section apply to all existing structures and new construction on property within the ES East Side I-195 Overlay District. The ES Overlay District applies to lots zoned the C-2, W-2, and OS District in the Fox Point neighborhood on the East Side of Providence.

B. Development Review and Approval

All development in the ES Overlay District is subject to Development Plan Review by the Downtown Design Review Committee following the process outlined in Article 19.

C. Prohibited Uses

The following uses are prohibited in the ES Overlay District:

1. Principal uses that require enclosed buildings that are not inhabited by people and have no windows.

2. Parking lots as a principal use.

3. Ground floor residential development along Wickenden Street frontage.

4. Single-family dwellings.

5. Auto-oriented or automotive uses including gas stations, car washes, vehicle service/repair, vehicle operation facility, and retail uses with drive-through facilities.

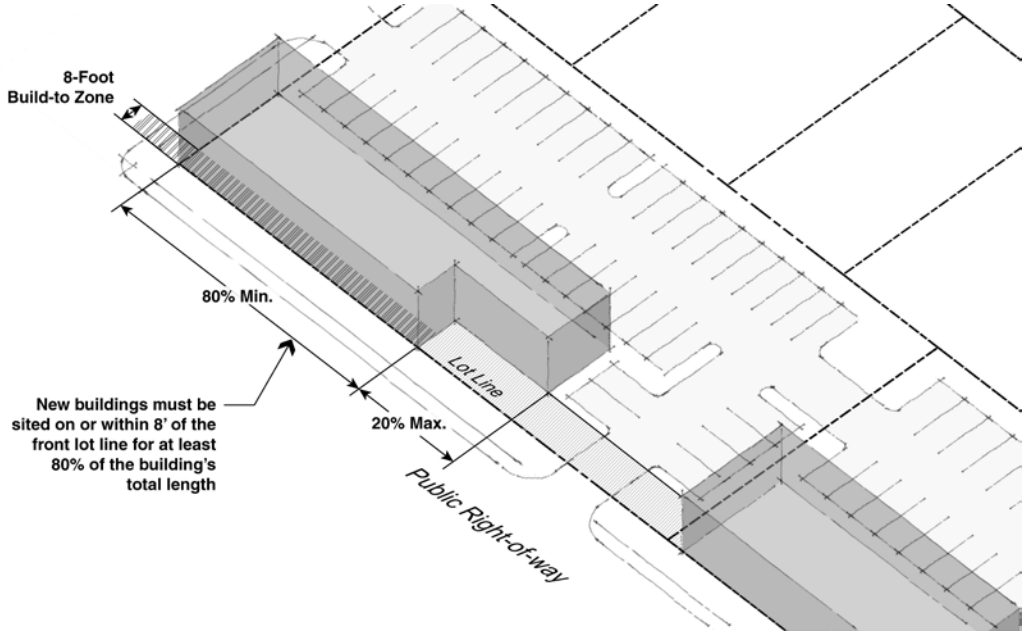
D. Design Standards

These design regulations specify dimensional and performance standards that are in some cases more restrictive and in other cases less restrictive than the underlying zoning districts. The uses for the underlying districts shall be changed except as provided herein. Design standards for specific parcels in the ES Overlay District are addressed in item D below.

1. Façade Design

a. Building façades shall be built within a build-to zone of between zero and eight feet from the lot line. Such façades shall occupy this build-to zone for at least 80% of each lot frontage of the property. These provisions apply to all land within the ES Overlay District, with the exception of Parcel 1A. (Figure 11-1)

FIGURE 11-1



b. Minimum building height is two stories, with the exception of Parcel 1A.

c. Minimum building height for Parcel 1A is one story.

d. The design of the building base and upper stories shall be expressed in a manner that defines the pedestrian realm at ground-level and provides visual relief through the use of building step backs, façade articulation, material changes, and/or similar architectural features.

e. The primary exterior finish materials on the façade 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. The use of non-durable materials such as exterior insulated finishing systems (EIFS), vinyl, and other similar products is prohibited on the first floor and is discouraged on upper floors.

f. Awnings on South Main Street, South Water Street and Wickenden Street are strongly encouraged. Awnings shall be designed to provide convenient and adequate covered area for pedestrians and conform to the following:

i. Awnings shall be variations on the shed form.

ii. Use of one continuous awning across more than one building is prohibited.

iii. Awnings shall be constructed of metal, canvas, or fire-resistant acrylic. Use of plastic and vinyl is prohibited.

iv. Back-lit and waterfall awnings are prohibited.

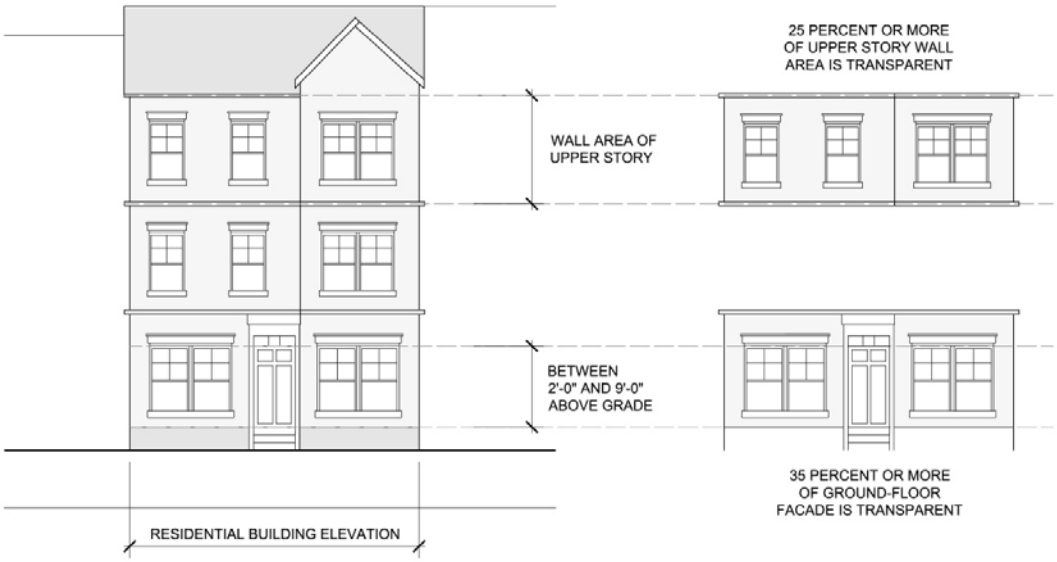
v. Dome awnings are permitted only above building entryways. Only the address number or building name may be printed on the awning.

vi. Awnings may project up to eight feet into a public right-of-way.

2. Residential Building Design

a. The ground floor façade of first floor residential units shall contain areas of transparency equal to at least 35% of the wall area of the story between the height of two feet and nine feet above grade. Each upper story façade shall provide areas of transparency equal to at least 25% of the wall area of the story. (Figure 11-2)

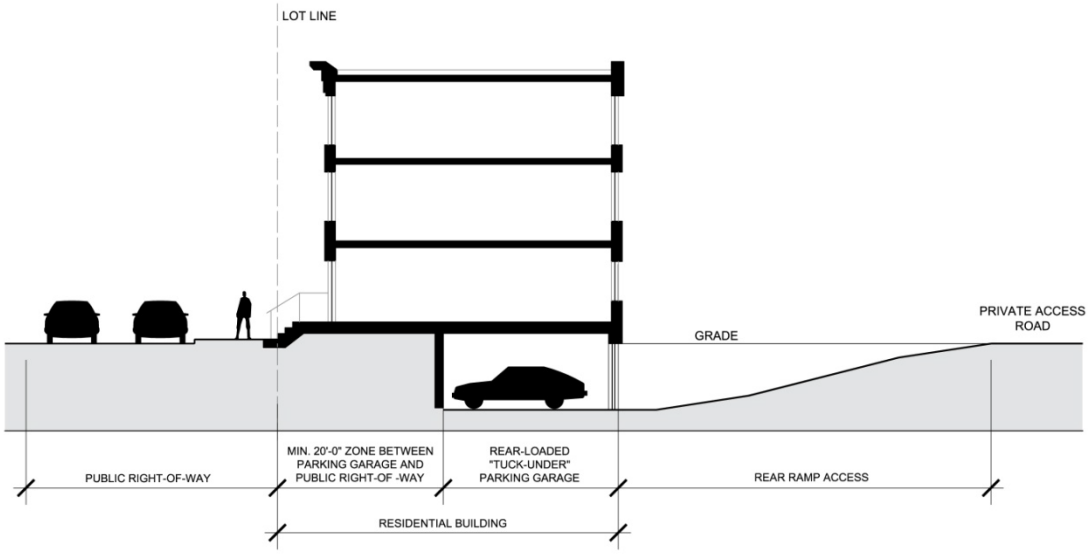
FIGURE 11-2



b. Front-loaded residential parking garages with primary vehicle access from a public right-of-way are prohibited.

c. Rear-loaded at-grade or "tuck-under" residential parking garages are encouraged and permitted so long as they are sited a minimum linear distance of 20 feet from a public right-of-way. (Figure 11-3)

FIGURE 11-3



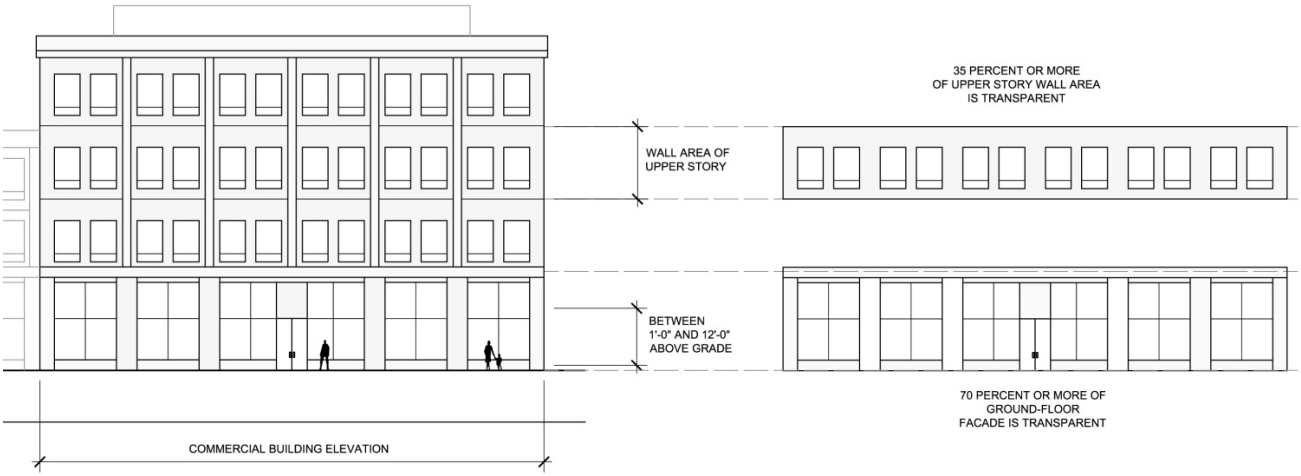
d. Ground floor residential development shall be elevated 18 to 36 inches above grade along South Main Street and South Water Street and have primary building access from a public right-of-way.

3. Non-Residential Building Design

a. Variations in building materials, windows, color, articulation, signage, and awnings are encouraged and are permitted for ground floor retail and restaurant uses.

b. Commercial storefronts shall contain areas of transparency equal to at least 70% of the wall area of the story between the height of one foot and 12 feet above grade. Each upper story façade shall provide areas of transparency equal to at least 35% of the wall area of the story. This provision for upper stories may be waived if it conflicts with building or fire codes. (Figure 11-4)

FIGURE 11-4



4. Fence and Wall Design

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

a. Exterior landscaping walls shall be faced to complement the surrounding architecture.

b. 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.

c. Fences shall be constructed from steel, aluminum, or wrought iron and may include stone or brick piers. Fence colors shall be chosen to blend into the landscape.

d. Fences and walls shall not exceed six feet in height.

5. Parking

Parking shall conform to the requirements of Article 14 of this Ordinance, along with the following provisions:

a. Driveway access to parking lots and parking structures is permitted on James Street, Transit Street, Dollar Street, Pike Street, Tockwotten Street, and George M. Cohan Boulevard.

b. Driveway access to parking lots and parking structures is prohibited on South Main Street, South Water Street, and Wickenden Street, with the following exceptions:

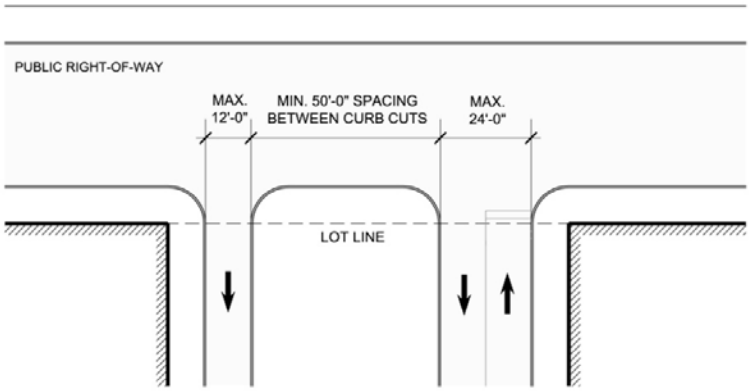
i. When the lot has no frontage on any of said streets.

ii. When supported by evidence indicating impracticality due to site conditions and approved by the City Traffic Engineer.

iii. To satisfy the provisions set forth in item D below.

c. The maximum width of a one-lane curb cut for driveway access to parking lots and parking structures is 12 feet. The maximum width of a two-lane curb cut for driveway access to parking lots and parking structures is 24 feet. The minimum linear distance between curb cuts is 50 feet. (Figure 11-5)

FIGURE 11-5



d. Surface parking is strongly discouraged in the ES Overlay District, and only permitted by waiver from the Design Review Committee as an accessory use subject to the following conditions:

i. Accessory use parking lots are only permitted on the same lot as a principal use building.

ii. Accessory use parking lots are prohibited within 20 feet of South Main Street, South Water Street, and Wickenden Street. For areas between the parking lot and South Main Street, South Water Street, and Wickenden Street that do not contain buildings, such areas shall be landscaped and fenced as required by the Design Review Committee. Such areas may contain hardscape elements. (Figure 11-6)

iii. Surface parking provided along James Street, Transit Street, Dollar Street, Pike Street, Tockwotten Street, or George M. Cohan Boulevard shall be separated from the public right-of-way by a landscaped strip in accordance with Section 1504. The Design Review Committee may require fences and/or walls to buffer the parking.

iv. The Design Review Committee may impose a time limit on the waiver that permits surface parking.

v. The parking surface shall utilize low-impact-development practices consistent with Providence Code of Ordinances and state laws to treat and discharge stormwater.

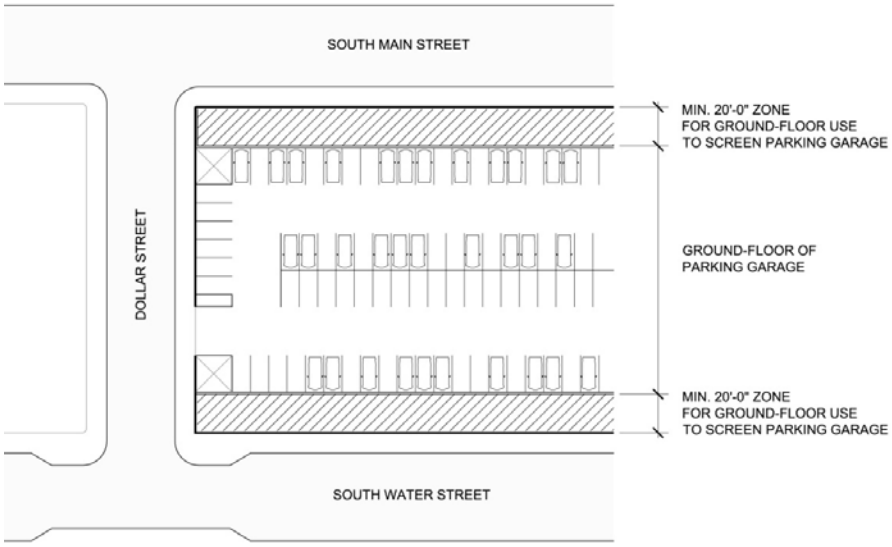
FIGURE 11-6

vi. Light poles may not exceed 18 feet in height, and their design shall conform to Section 1301.

vii. The Design Review Committee may impose further conditions to ensure that surface parking areas do not have a negative impact on the surroundings.

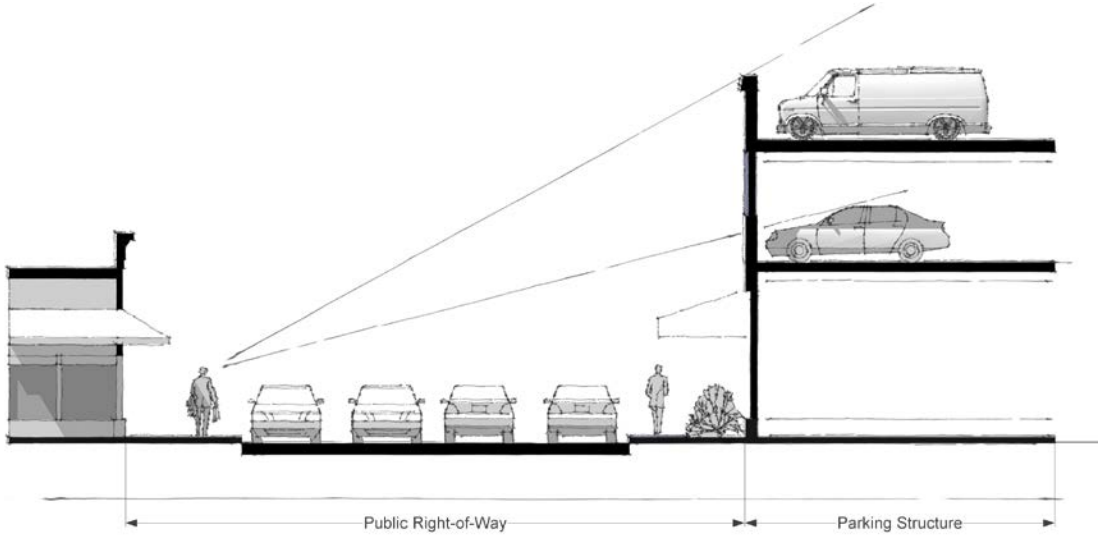
e. Ground floor parking structures shall be physically separated from South Main Street, South Water Street, and Wickenden Street by a linear distance of at least 20 feet. (Figure 11-7)

FIGURE 11-7



f. Parking structure façades shall conceal from view the entirety of all parked vehicles from the far side of any right-of-way that abuts the property containing the parking structure. (Figure 11-8)

FIGURE 11-8



6. Loading

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

a. Driveway access to loading areas is permitted on James Street, Transit Street, Dollar Street, Pike Street, Tockwotten Street, and George M. Cohan Boulevard.

b. Driveway access to loading areas is prohibited on South Main Street, South Water Street, and Wickenden Street, with the following exceptions:

i. When the lot has no frontage on any of said streets.

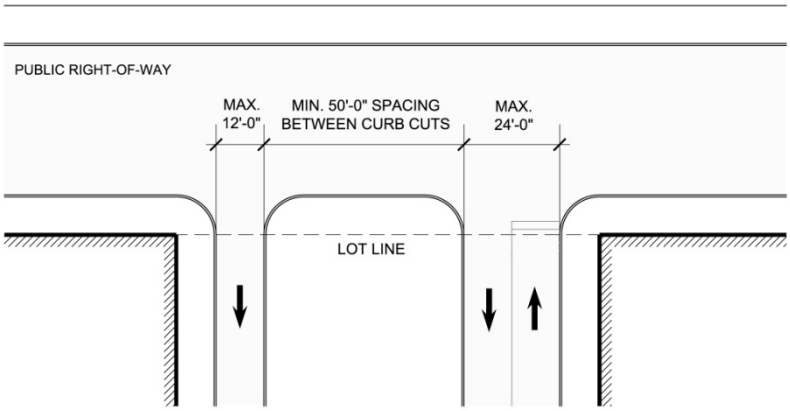
ii. When supported by evidence indicating impracticality due to site conditions and approved by the City Traffic Engineer.

iii. To satisfy the provisions set forth in item d below.

c. Interior loading shall be screened from view by solid, non-transparent doors that shall remain closed when the loading dock is not in use.

d. The maximum width of a one-lane curb cut for driveway access to loading areas is 12 feet. The maximum width of a two-lane curb cut for driveway access to loading areas is 24 feet. The minimum linear distance between curb cuts is 50 feet. Wider curb cuts may be permitted by waiver if it's demonstrated that loading areas cannot be reasonably accessed given site conditions. (Figure 11-9)

FIGURE 11-9



7. Site Lighting

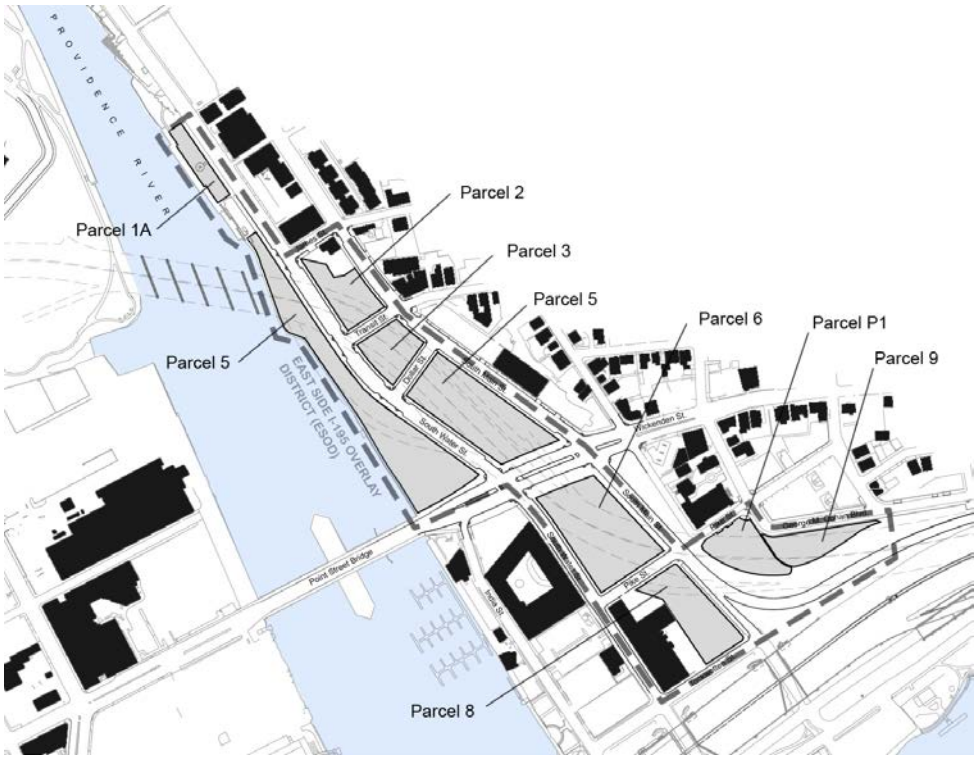
Internal site lighting shall include decorative and/or concealed fixtures. Light spillage onto a public street or adjacent properties is prohibited.

E. Parcel-Specific Design Standards

In addition to the above general design standards, the following parcel-specific design standards apply to development proposed for construction on the I-195 Relocation Surplus Parcels identified below. (Figure 11-10)

FIGURE 11-10

EAST SIDE I-195 RELOCATION SURPLUS LAND



1. **Parcel 1A**

   a. **Design Standards**

      i. The ground floor building façade of all new buildings fronting the riverfront and South Water Street shall contain areas of transparency at least 70% of the wall area of the story, between the height of one foot and 12 feet above grade, of each building façade.

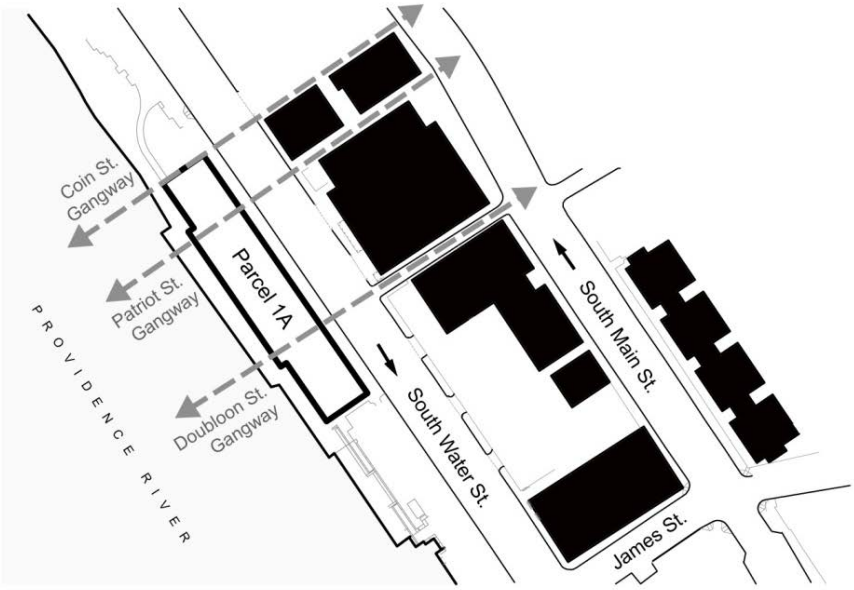
      ii. New buildings shall visually or physically reflect the historic alignment of the former Coin Street, Patriot Street, and Doubloon Street riverfront gangways through the use of signs, pavement markings, architecture, or other interpretive elements. (Figure 11-11)

      iii. Surface parking lots and parking structures are prohibited.

      iv. Curb cuts and driveway access are prohibited.

      v. Off-street parking is not required.

FIGURE 11-11



2. **Parcel 2**

   a. **Design Standards**

      i. No parcel-specific design standards, except as provided in this Section.

3. **Parcel 3**

   a. **Design Standards**

      i. No parcel-specific design standards, except as provided in this Section.

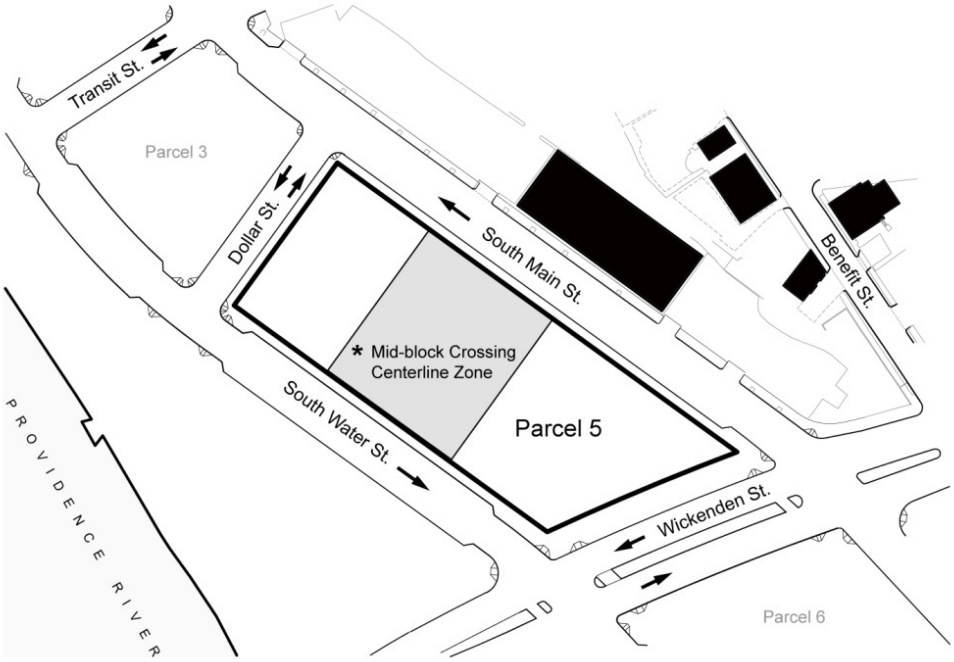
4. **Parcel 5**

   a. **Design Standards**

      i. Building façades shall be constructed within a build-to zone of between zero and three feet from the lot line for 100% of the Wickenden Street frontage.

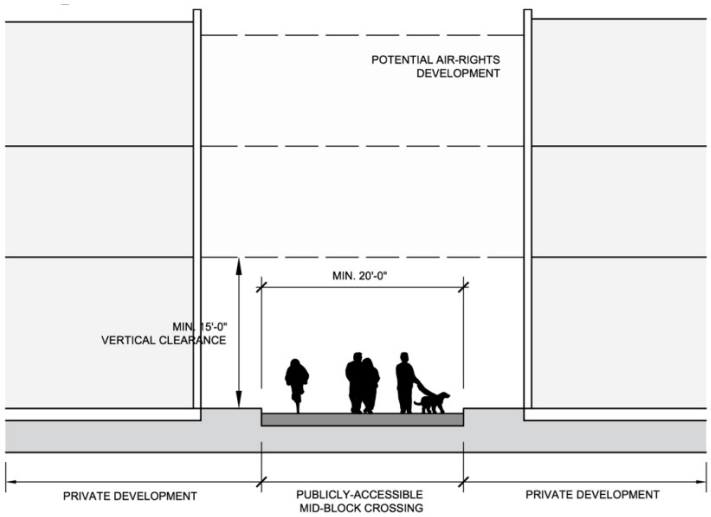
ii. A publicly-accessible mid-block connection of at least 20 feet in width shall be provided for pedestrian and/or vehicular circulation between South Main Street and South Water Street; the centerline for which shall be located within a linear distance of between 30% and 70% of the length of the South Water Street block frontage between Dollar Street and Wickenden Street (see map). Curb cuts for access to vehicle parking and loading areas are permitted along South Main Street and South Water Street at said mid-block location. (Figure 11-12 and Figure 11-13)

FIGURE 11-12

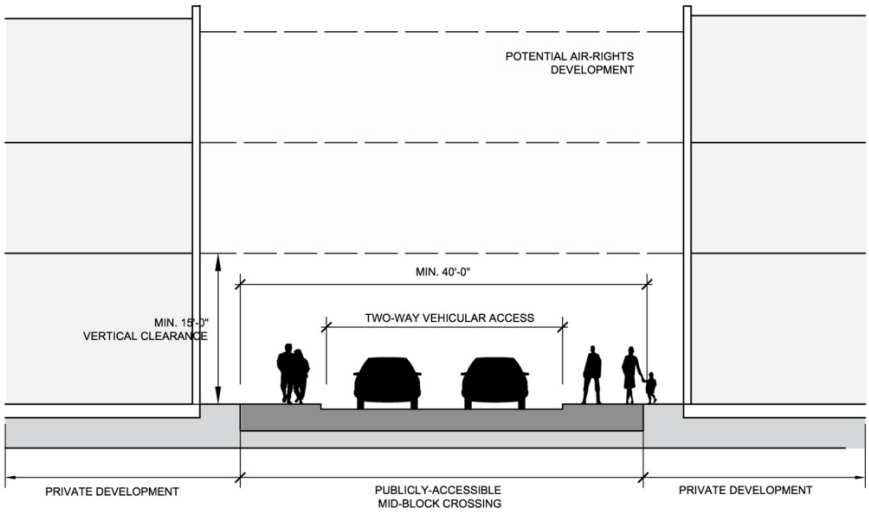


* Mid-block crossing centerline shall be located within the shaded area.

FIGURE 11-13



ILLUSTRATIVE EXAMPLE CROSS-SECTION:
MULTI-USE PATH



ILLUSTRATIVE EXAMPLE CROSS-SECTION:
PEDESTRIAN & VEHICULAR ACCESS

5. Parcel 6

a. Design Standards

i. Building façades shall be constructed within a build-to zone of between zero and three feet from the lot line for 100% of the Wickenden Street frontage.

6. Parcel 8

a. Design Standards

i. No parcel-specific design standards, except as provided in this Section.

7. Parcel 9

a. Design Standards

i. No parcel-specific design standards, except as provided in this Section.

8. Parcel P1

a. Design Standards

i. No parcel-specific design standards, except as provided in this Section.

F. Development Incentives

1. There exists a significant opportunity to create an active, mixed-use, pedestrian-friendly, and amenity-rich urban environment on the East Side I-195 surplus land and reconnect the Fox Point neighborhood to its waterfront. In order to achieve this vision, the City seeks to encourage development that has significant public benefits, strengthens the South Main Street and South Water Street corridors, and enhances east-west pedestrian connections to the Providence Riverfront. Height bonuses are intended to give property owners incentives to provide additional community amenities, such as passive and active recreational open space, active ground floor land uses, mixed-use development, and transportation infrastructure, in conjunction with the proposed development.

2. For proposed developments within the ES Overlay District, the Design Review Committee is authorized to grant height bonuses of up to two stories above the maximum building height of the underlying zoning district if one or more of the following are provided as part of the proposed project.

a. Provision of 50% or more of off-street parking in a parking structure in conformance to the provisions set forth in this Section.

b. Provision of on-site, publicly-accessible open space for passive and/or active recreation within the ES Overlay District totaling a minimum of 10% of the lot area, with the condition that the open space is available for use every day, year-round, during daylight hours, and maintained by the property owner.

c. Provision of a minimum of 5,000 square feet of active ground floor uses fronting South Main Street, South Water Street, or Wickenden Street including but not limited to restaurants and cafes, sales and service retail, professional office space, art galleries, performance space, and community event space.

d. Provision of vertical mixed-use development, of which at least 50% is devoted to residential use.

1104 HD HISTORIC DISTRICT OVERLAY DISTRICT

A. Application

This overlay zone is intended to preserve structures of historic and architectural value by regulating the construction, alteration, repair, moving and demolition of such structures. This overlay can include neighborhoods or single buildings. Historic districts are shown as overlay zones on the Zoning Map**,** and may include properties associated with broad patterns, events, and/or people significant in local, state or national history, which embody the distinctive characteristics of a broad range of building types and architectural styles and which may possess high artistic value and/or represent the work of a master builder, architect, landscape architect, or other designer, and which lack individual distinction but which add to the historic district zone's status as a significant and distinguishable socio-cultural entity.

B. Development Review and Approval

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.

1105 TOD TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT

A. Application

The TOD Transit-Oriented Development Overlay District is established for areas where more permissive height regulations and more stringent parking regulations are appropriate because of close proximity to existing and anticipated future public transportation infrastructure.

B. Prohibited Uses

The following uses are prohibited in all TOD Districts regardless of underlying zoning regulations:

1. Adult Use

2. Drive Through Facility

3. Car Wash

4. Contractor Storage Yard

5. Gas Station

6. Heavy Retail, Rental, and Service

7. Parking Lot (Principal Use)

8. Storage Yard - Outdoor

9. Vehicle Dealership/Repair/Service

10. Vehicle Operation Facility

C. Dimensional Standards

Select dimensional standards of the base district are modified as shown in Table 11-2: TOD Overlay District Dimensional Standards. In the case of dimensional standards that are more permissive in the base district, those permissive standards control as opposed to the standards of Table 11-2.

TABLE 11-2: TOD OVERLAY DISTRICT DIMENSIONAL STANDARDS

	TOD
Minimum Building Height	20’
Maximum Building Height	70’
Minimum Front Setback	Build-to zone of 0’ to 8’, with min. build-to percentage of 60%
Minimum Interior Side Setback	None; unless abutting residential, then 5’
Minimum Corner Side Setback	Build-to zone of 0’ to 8’, with min. build-to percentage of 40%
Minimum Rear Setback	None, unless abutting residential, then 10’

D. Design Standards

In addition to any design standards of the base district, the following design standards apply to new and existing non-residential structures, including mixed-use development. Residential dwellings are not subject to these standards, but rather the standards for that particular dwelling type. (Figure 11-14) The City Plan Commission may waive these design standards as part of City Plan Commission Development Plan Review (Section 1906).

1. All buildings shall provide a main entrance on the façade of the building facing the transit stop or along streets leading to the transit stop. The main entrance of any building shall face the street.

2. Ground floor facade transparency shall contain a total area of transparency of 70% or more of the wall area of the ground floor, measured between one and 12 feet above the adjacent grade. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and is not subject to the transparency minimum.

3. Ground floor and upper story windows of facades in new and existing buildings shall be composed of glass with a visible light transmittance (VLT) of at least 50% and a maximum exterior reflectivity of no more than 12%. The use of opaque materials such as brick, metal, or sheet rock to cover or fill a window opening is prohibited.

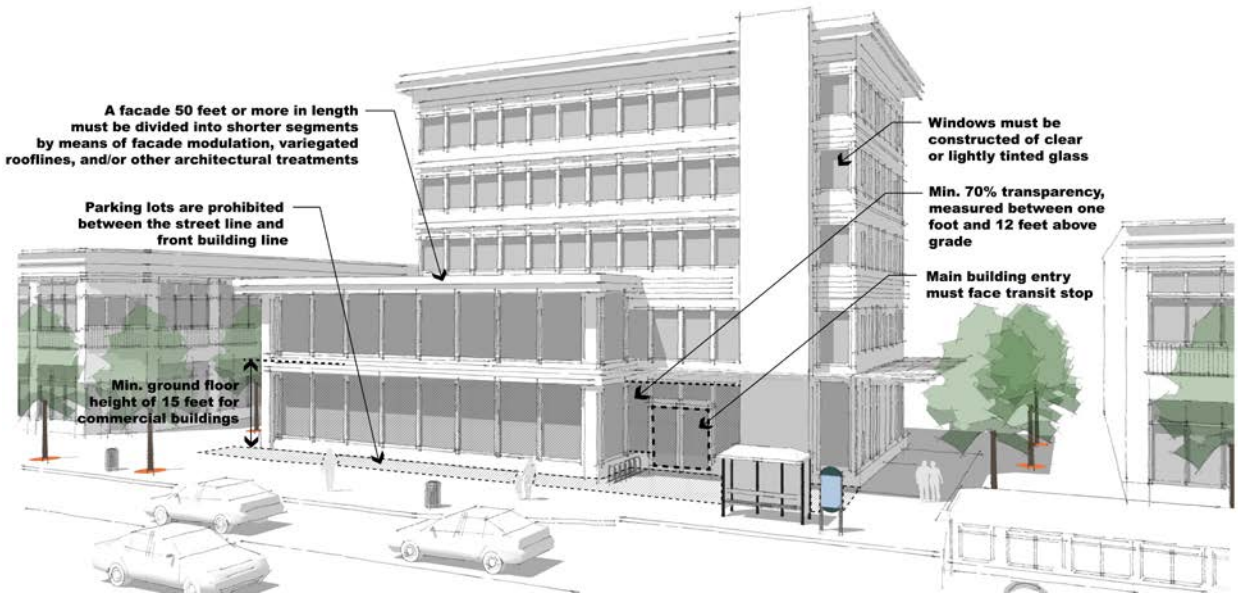
4. Parking lots are prohibited between the street line and the front building line on any lot and within five feet of the front lot line when located on a corner lot.

5. Any façade that is 50 or more feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines, and/or other architectural treatments.

6. The ground floor of commercial buildings shall be designed with a minimum height of 14 feet.

7. Parking structures shall include active, non-residential ground floor uses along a minimum of 60% of the ground floor when adjacent to a street. Such uses shall have a minimum depth of 20 feet, measured from where the building line is located along the street.

FIGURE 11-14



E. Parking Standards

In addition to the parking regulations of Article 14, the following parking requirements apply to the TOD Overlay Districts.

1. A maximum of one parking space per dwelling unit, plus one guest space per 15 units in a multi-family dwelling, is permitted. There is no minimum parking requirement for residential uses.

2. The first 5,000 square feet of gross floor area of non-residential uses are exempt from all parking requirements. Parking for non-residential uses is limited to a maximum of one space per 300 square feet of gross floor area.

3. Where feasible, ingress and egress from parking and loading shall be from side streets or alleys.

1106 I-3E EDUCATIONAL INSTITUTIONAL OVERLAY DISTRICT

A. The I-3E Educational Institutional Overlay District is an overlay district and therefore allows the uses of both the base district and the use of educational facility - university or college. All development in the I-3E Educational Institutional Overlay District is subject to the dimensional standards, design standards, development standards, and general standards of applicability of the base district.

1107 I-3H HEALTHCARE INSTITUTIONAL OVERLAY DISTRICT

A. The I-3H Healthcare Institutional Overlay District is an overlay district and therefore allows the uses of both the base district and the use of healthcare institution. All development in the I-3H Healthcare Institutional Overlay District is subject to the dimensional standards, design standards, development standards, and general standards of applicability of the base district.

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 residential use is prohibited for public 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. Accessory dwelling unit in an owner-occupied, single-family residence is permitted as a reasonable accommodation only for family members with disabilities.

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.

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; 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.

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							S	P	P	P	P		S		P		P	P	P		
Amusement/Entertainment/Sports Facility - Outdoor								S	P		S		S		S		P	P	P		
Animal Care Facility							P	P	P	S	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				1202.G
Compassion Center/Cultivation Center									S				P		P						
Conservation Area	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	S	S	S	S	S													S	S		
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								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				Sec. 1202.I
Day Care - Day Care Center, more than 12 people receiving day care						S	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	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				Sec. 1200.E

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
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				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				Sec. 1202.L
Dwelling - Three Family				P	P	P	P	P	P		P				P		P				Sec. 1202.L
Dwelling - Two-Family			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	S	P	S	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												
Gas Station								S	P		S	P	P	P	S						Sec. 1202.P
Golf Course/Driving Range	S	S	S	S	S										S			S	S		
Government Office							P	P	P	P	P	P	P	P	P			P	P		
Greenhouse/Nursery - Retail								S	P				P		P						
Group Quarters					S		P	P	P	P	P				S						
Healthcare Institution							S	S	P	S			P		P	P					Sec. 1202.N
Heavy Retail, Rental and Service									P				P	P	P						
Helipad								S	S	S		S	S	S		S	S	S	S		
Heliport												S	S	S		S					
Hotel/Motel							P	P	P	P	P				P	P	P				
Incinerator/Waste Facility												P		P							
Industrial - Artisan								S	P	P	S	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								S	P	S	S		P		P						
Movie Studio									S	P			P		P						
Neighborhood Commercial Establishment			S	S	S	S															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)				S	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								S	P	P	P	P	P	P	P						
Personal Service Establishment						S	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				
Public Safety Facility	S	S	S	S	S	S	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	S	P				P						
Rehabilitation Center								S	S	P	S		P			P	S				
Research and Development							S	S	S	P	S	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							S	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							S	P	P	P	P	P	P		P	P	P				
Retail Sales of Alcohol								P	P	P	P		P		P						
Self-Storage Facility									P				P								
Ship and Boat Building/Repair											S	P	P	P	P						
Solar Energy System (Principal Use)											S	S	P	P	P						Sec. 1202.Y
Specialty Food Service							S	P	P	P	P		P	P	P						
Storage Yard - Outdoor												P	P	P							Sec. 1202.H

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
Tank Farm												P		P							Sec. 1202.Z
Transitional Shelter								S	S	S			S								
Utility	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	S	S		
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						
Warehouse									S		P	P	P	P							
Wholesale Establishment - Unenclosed											S	P	P	P	S						
Wholesale Establishment - Fully Enclosed									S		P	P	P	P	P						
Wind Energy System (Principal Use)											S	P	P	P							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

The following regulations for a standalone Automated Teller Machines (ATM) do not apply to financial institutions that typically provide services by Automated Teller Machines, whether drive-through or walk-up.

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.

b. The drive-through lane shall provide a minimum of three stacking spaces.

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 10 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 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.

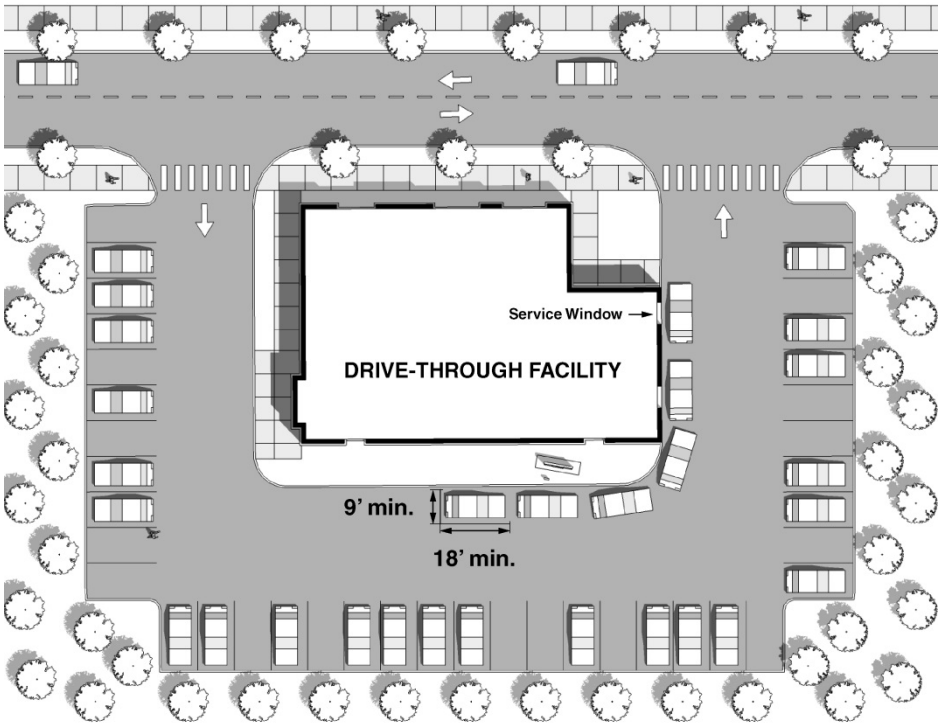
b. Stacking spaces shall begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menuboard). Spaces shall be placed in a single line behind each lane or bay.

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.

4. A drive through lane shall have bail out capability for all vehicles that enter the drive through lane. The bail out lane shall be a minimum width of 12 feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

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

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.

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 for any new principal building and/or parking facility 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 5,000 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.

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.

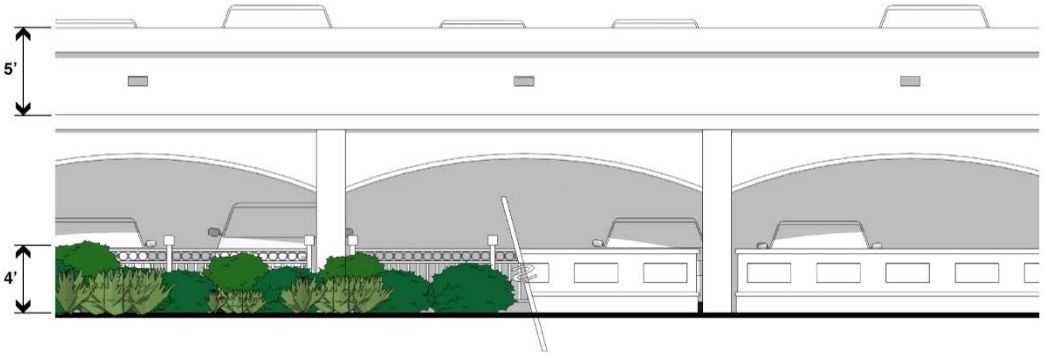
V. Parking Lot and Parking Structure (Principal Use)

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

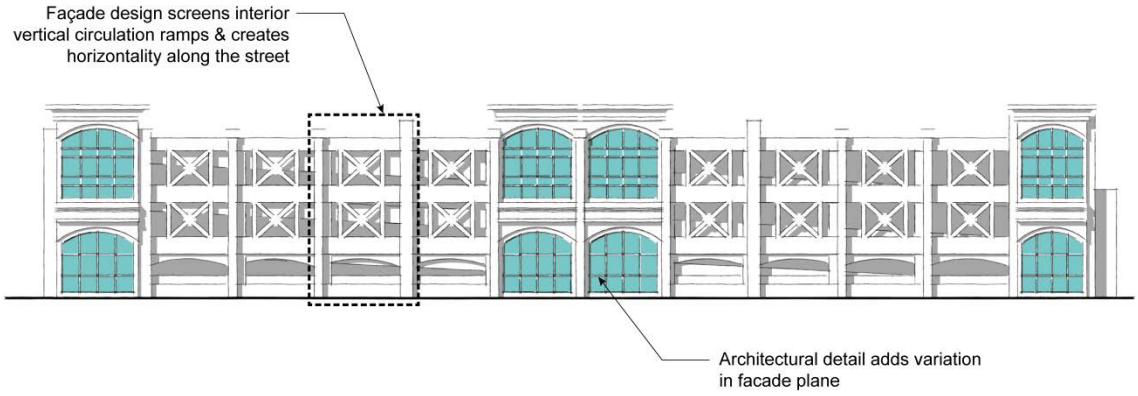


b. For parking structures with rooftop open-air parking, a five foot parapet wall is required for screening of parked vehicles.

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.

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

1. Residential care facilities 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 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

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 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, Germanishcer 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. Wind turbines shall be set back from all structures on a participating property owner's property a distance of no less than the turbine 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 turbine 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 turbine 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. A wind turbine's shadow flicker shall not fall on any window of an existing structure or within the buildable area of an adjacent lot, as defined by current setback requirements.

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.

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 and is considered a permitted use in all districts, subject to development plan review and approval. 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.

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 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. All mobile food establishments operating on the property shall be properly licensed by the Health

Department.

4. Sale of alcohol is prohibited.

5. 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.

6. Additional outdoor seating may be provided by the mobile food sales operator on the site, but no seating may be permanently installed.

7. A permanent water or wastewater connection is prohibited.

8. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.

9. Drive-through service is prohibited.

10. 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.

11. No seating or trash receptacle is permitted to block the public right-of-way.

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 then 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 internment 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 in the state to acquire and dispense medical cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients and/or registered 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 individuals receiving day care.

Drive-Through Facility. That portion of a business where business is transacted directly with customers via a service window 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 either by one or more members of the family of the occupant or occupants of the principal residence, or reserved for rental occupancy by a person or a family where the principal residence is owner occupied, and which meets the following provisions:

1. In zoning districts that allow residential uses, no more than one accessory dwelling unit may be an accessory to a single-family dwelling.

2. An accessory dwelling unit shall include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The accessory dwelling unit shall be within or attached to the principal dwelling unit structure or within an existing structure, such as a garage or barn, and designed so that the appearance of the principal structure remains that of a single-family residence.

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. A rowhouse structure may contain dwellings that are each located on separate lots.

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.

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 famers 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.

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

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 live by one or more persons including, but not limited to, musical acts, theatrical plays, performance art, stand-up comedy, 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 operating on the site shall be active and open to public 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 or any use that requires a Class N license.

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. 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 requires a Class N license under Title 3 of the Rhode Island General laws. 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, propane products, hazardous materials, and similar substances in aboveground or belowground storage containers designed for wholesale distribution. This does not include liquefied natural 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 preparation and service is housed in a truck or trailer 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 in 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.

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 13. SITE DEVELOPMENT

1300 GENERAL REQUIREMENTS
1301 EXTERIOR LIGHTING
1302 ACCESSORY STRUCTURES AND USES
1303 PERMITTED ENCROACHMENTS
1304 ENVIRONMENTAL PERFORMANCE STANDARDS

1300 GENERAL REQUIREMENTS

A. Number of Structures on a Lot

In the R-1A, R-1, R-2, R-3, and R-P Districts there shall be no more than one principal building per lot. This does not include permitted accessory structures. In all other districts, more than one principal building is permitted on a lot, provided that each complies with all bulk and yard requirements of a district as though it were a principal building on an individual lot.

B. All Activities within an Enclosed Structure

Within all districts, all activities shall be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lots, principal and ancillary.

2. Park/playground, conservation areas, and similar open space uses.

3. Establishments with a permitted outdoor component, including, but not limited to, outdoor amusement facilities, outdoor storage yards, heavy retail, rental, and service, contractor storage yards, outdoor dining, car washes, animal care facilities, plant agriculture, and similar businesses. However, these businesses may be limited or the outdoor components prohibited as a condition of a special use, when special use approval is applicable.

4. Permitted outdoor storage, and outdoor sales and display areas.

5. Permitted outdoor temporary uses.

6. Activities customarily related to dwelling.

C. Applicability of Required Setbacks

No lot may be reduced in area so that the setbacks are less than required by this Ordinance. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Ordinance or a variance is approved.

D. Applicability of Bulk Requirements

All structures shall meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure it is located unless a variance is approved.

1301 EXTERIOR LIGHTING

A. Purpose

Exterior lighting is used to illuminate uses, parking lots, signs, and other site elements on a property. When well designed and properly installed, exterior lighting improves visibility and safety, provides a sense of security, and complements the character of the City. Conversely, poorly designed and improperly installed lighting can be inefficient, cause glare, and create light trespass and sky glow. In order to ensure that exterior lighting is well designed, and impacts on adjacent properties are controlled, the following requirements control exterior lighting in the City's zoning districts.

B. Lighting Plan Required

1. A lighting plan is required for all non-residential uses and multi-family and rowhouse dwellings. Single-family, semi-detached, two-family, and three-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.

2. A lighting plan shall include the following:

a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting, with schematic wiring layout and power source connection indicated.

b. Specifications for luminaires and lamp types, poles, wiring, conduit, and appurtenant construction, including photographs or drawings of proposed light fixtures.

c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.

d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels.

e. Photometric plans that show the footcandle measurement at all lot lines.

f. Other information and data reasonably necessary to evaluate the required lighting plan.

C. Maximum Lighting Regulations

1. The maximum allowable light level at any lot line is one footcandle.

2. No glare onto adjacent properties is permitted.

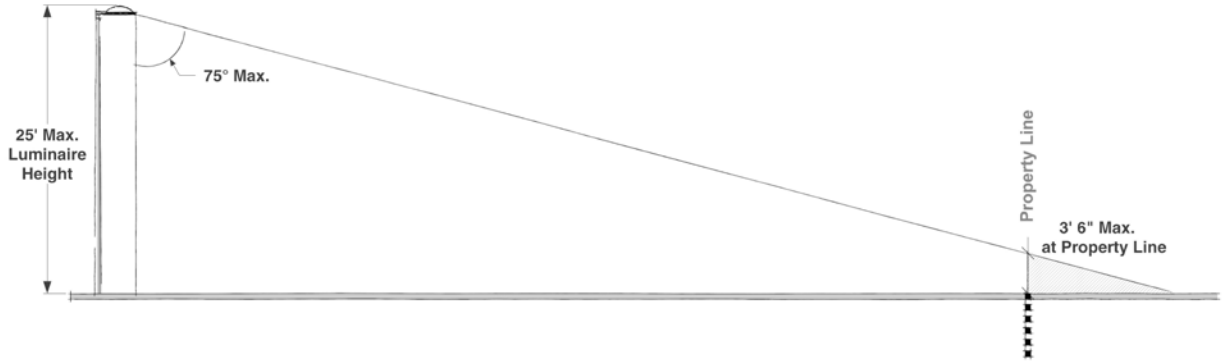
D. Luminaire Standards

All luminaires shall be designed as cut off luminaires. Cut off luminaires are those with a cut off angle of 75 degrees or less. Cut off luminaires are subject to the following standards.

1. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, shall be 25 feet. Any luminaire greater than 25 feet in total height requires special use approval. (Figure 13-1)

2. A cut off luminaire shall be designed to completely shield the light source from an observer three and one-half feet above the ground at any point along an abutting lot line. (Figure 13-1)

FIGURE 13-1



E. Exceptions to Lighting Standards

1. Luminaires used for public roadway illumination are exempt from the requirements of this section.

2. All temporary emergency lighting required by public safety agencies or other emergency services, as well as all vehicular luminaires, are exempt from the requirements of this section.

3. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 60 feet in any district. Luminaires greater than 60 feet in total height require special use approval. In lieu of special use approval, university or college educational facilities may erect luminaires not to exceed 90 feet when approved through an Institutional Master Plan and accompanied by a lighting plan.

4. Certain temporary uses may be unable to meet the requirements of this section. When such temporary uses are allowed, approval of all lighting is required as part of the temporary use permit.

F. Prohibited Lighting

1. Luminaires with no cut off are prohibited. A luminaire is considered to have no cut off if it is unshielded or has a cut off angle greater than 75 degrees.

2. Flickering or flashing lights are prohibited.

3. Searchlights, laser source lights, or any similar high intensity lights are prohibited.

1302 ACCESSORY STRUCTURES AND USES

Accessory structures and uses are permitted in all districts unless specifically prohibited by this Ordinance. All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 1303. Additional accessory structures not regulated in this section may be regulated in Section 1303.

A. General Regulations for Accessory Structures

1. All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section.

2. No accessory structure shall be constructed prior to construction of the principal building or use to which it is accessory.

3. Unless required by the building code, certain accessory structures are specifically exempted by this Ordinance, as noted below.

4. Only those accessory structures permitted by this section and Section 1303 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. Required setbacks are described in the district standards. The use of the term "yard" refers to the area between the building line and the lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension. If a structure is permitted within a yard, it is permitted within the required setback subject to any additional limitations.

5. Accessory structures are included and shall comply with all maximum impervious surface and building coverage requirements.

6. The maximum height of any detached accessory structure is 20 feet and two stories, unless otherwise permitted or restricted by this Ordinance.

7. Accessory structures shall be at least three feet from any lot line, unless otherwise permitted or restricted by this Ordinance.

8. Accessory structures require a building permit unless specifically exempted by this Ordinance.

B. Amateur (HAM) Radio Equipment

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 1304 are permitted only in the rear yard, and shall be located ten feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an additional ten feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and obtains a special use approval as required by this section.

2. Antennas may also be building-mounted and are limited to a maximum height of ten feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.

3. Every effort shall be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.

4. An antenna or tower that is proposed to exceed the height limitations is a special use. The operator shall provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant shall provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 1304. As part of the application, the applicant shall submit a site plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.

5. Any antennas and/or towers owned and operated by the City are exempt from these requirements.

C. Apiary

1. Apiaries do not require a building permit.

2. Apiaries are permitted only in the rear yard and shall be located 10 feet from any lot line and the principal building.

3. All bee colonies shall be kept in a removable frame hive, which shall be kept in sound and usable condition.

4. Where any colony is located within 25 feet of a lot line, as measured from the nearest point on the hive to the lot line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a hedge, fence, solid wall, or combination that is parallel to the lot line and extends ten feet beyond the colony in each direction so that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

5. Each beekeeper shall provide a convenient source of water available to the bees at all times.

6. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper shall promptly re-queen the colony.

D. Aquaculture/Aquaponics

1. Aquaculture/aquaponics facilities do not require a building permit.

2. Aquaculture/aquaponics facilities are permitted only in the rear yard and shall be located 10 feet from any lot line.

3. All aquaculture/aquaponics operations shall be located within fully or partially enclosed structures designed for holding and rearing fish, and contain adequate space and shade.

E. Carport

1. Carports shall be located over a driveway.

2. A carport is permitted only in the interior side yard, corner side yard, or rear yard and shall be at least four feet from any lot line.

3. The total length of a carport is limited to 20 feet. The height of a carport is limited to 10 feet.

4. A carport shall be entirely open on at least three sides except for the necessary supporting columns and customary architectural features.

5. A carport shall be constructed as a permanent structure. Temporary tent structures are not considered carports.

F. Chicken Coop

1. Chicken coops do not require a building permit.

2. Chicken coops are permitted in the rear yard only.

3. No hens shall be kept or raised within a dwelling.

4. One hen is permitted per each 800 square feet of total lot area, up to a maximum of six hens on any lot. The owner of the hens shall be a resident of the dwelling on the lot.

5. Roosters are prohibited. However, if the sex of a chick cannot be determined at hatching, a chick of either sex may be kept on the property for up to six months.

6. All hens shall be subject to the nuisance provisions of the Providence Code of Ordinances.

7. All hens shall be confined between the hours of 9:00 p.m. and 8:00 a.m.

8. All hens shall be provided with both a chicken coop and a fenced outdoor enclosure, subject to the following provisions:

   a. The chicken coop shall provide a minimum of two square feet per hen.

   b. The chicken coop and fenced enclosure shall be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, obnoxious smells, and substances. The facility shall be adequately lit and ventilated.

   c. The chicken coop shall be designed to ensure the health and well being of the hens, including protection from predators, the elements, and inclement weather.

   d. The chicken coop shall be located upon an impermeable surface that prevents waste run-off.

9. All manure shall be composted in enclosed bins.

10. Slaughtering of chickens on-site is prohibited.

G. Coldframe Structure

1. Coldframe structures do not require a building permit.

2. Coldframe structures up to three feet in height are permitted only in the interior side, corner side, and rear yards.

3. Coldframe structures over three feet in height are permitted only in the rear yard.

4. Coldframe structures shall be limited to a maximum square footage of 32 square feet and a maximum height of six feet.

H. Electric Vehicle Charging Station

1. Commercial electric vehicle charging stations are permitted as an accessory use within any parking lot, parking structure, or gas station in all districts.

2. Private charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwelling located on that property.

3. Electric charging station equipment shall not block the public right-of-way.

4. Each public charging station space 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 to be enforced by the owner. Information identifying voltage and amperage levels or safety information shall be posted.

5. Charging station equipment shall be maintained in good condition and all equipment shall be functional. Charging stations no longer in use shall be immediately removed.

I. Fences and Walls

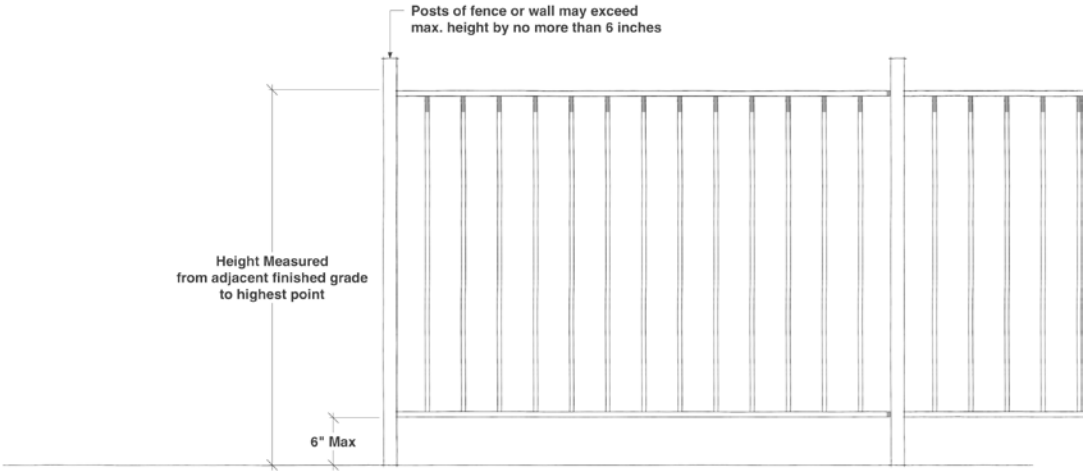
1. General Requirements

   a. Every fence and wall shall be maintained in a good repair and safe condition at all times. Every damaged or missing element shall be repaired, removed, or replaced immediately.

   b. Height is measured from the adjacent finished grade to the highest point, except that decorative posts of a fence or wall may exceed the maximum height by six inches. (Figure 13-2)

c. The bottom rail of a fence shall be installed a maximum vertical distance of six inches above the adjacent finished grade for the entire length of the fence. (Figure 13-2)

FIGURE 13-2



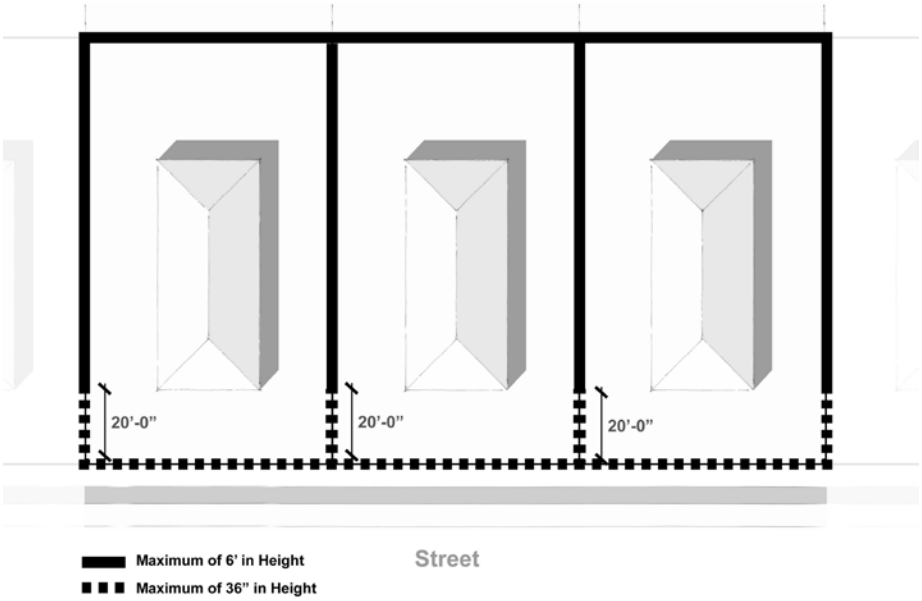
d. When fence requirements are a condition of a use or site element, per this Ordinance, such requirements control.

e. Additional fence and wall requirements may be found in the D-1 District and ES Overlay District, or in the use standards of Article 12.

2. Fences

a. With the exception of a wire fence located adjacent to a residential driveway, no fence shall exceed 36 inches in height along that portion of the fence that extends from the front lot line back to a distance of 20 feet. Fences in all other areas and wire fences located adjacent to a residential driveway are limited to six feet in height. (Figure 13-3)

FIGURE 13-3



b. A wire fence is defined as a fence made of wire no less than number nine gauge firmly fastened to posts not more than 16 feet apart, woven of not less than 11 horizontal wires, the bottom wire to be not more than two inches from the ground, and with stays or uprights not more than six inches apart. No sharp prongs are permitted on top of said fence, and all prongs shall be meshed, capped, or turned over.

3. Barbed Wire and Razor Wire Fences

a. Barbed wire and razor wire fences are prohibited in all districts.

4. Walls

a. A stone wall is permitted as a partition fence in a residential district constructed of flat fieldstone, not exceeding four feet in height with a flat stone top, not exceeding 12 inches in width, and having the same finish on both sides.

b. No partition wall shall be constructed of concrete, brick, cement blocks, cobblestones, boulders, or any other materials unless it is properly capped and finished on both faces.

J. Garage

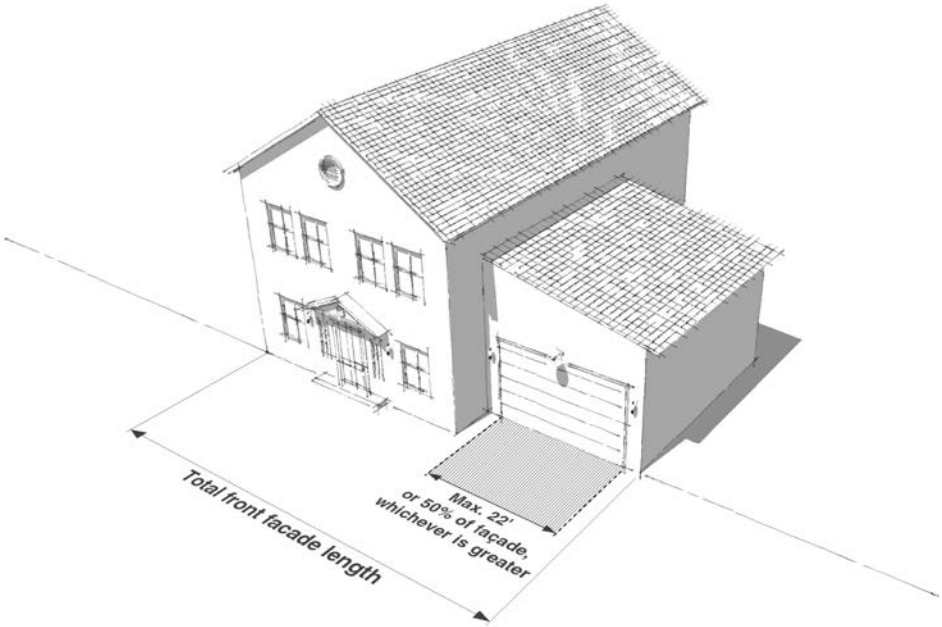
The following standards apply to all residential garages, with the exception of multi-family dwellings. Attached garages are not considered an accessory structure but are subject to the regulations of this section for attached garages.

1. Attached Garage

a. Front-loaded attached garages shall be limited to 50% of the width of the front building line or 22 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors the distance is measured between the edge of the outmost doors. (Figure 13-4)

b. Attached garages shall be set back a minimum of five feet from the front building line.

FIGURE 13-4



2. Detached Garage

a. One detached garage is permitted per lot.

b. The area above the vehicle parking spaces in a detached garage shall not contain a kitchen or sleeping area but may contain an office or recreation room.

c. Detached garages are permitted only in the rear, interior side, and corner side yards. Detached garages shall be set back a minimum of five feet from the front building line. No setback is required from any side or rear lot line.

d. If a lot abuts a public alley that provides adequate access to a street, a detached garage shall be constructed so that access is from the public alley.

K. Home Occupation

1. The home occupation shall be conducted by a member or members of the family or individuals permanently residing on the premises.

2. No more than one person is employed in the home occupation, other than an occupant or occupants of the premises.

3. Signs, displays, or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited. However, one identification sign not exceeding two square feet in area is permitted.

4. The home occupation and all related activity, including storage, shall be conducted completely within the principal building or permitted accessory structure.

5. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.

6. Alterations to the residence or permitted accessory structures that would alter the residential character of the dwelling are prohibited.

7. The home occupation and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.

8. No more than four clients, patients, pupils, or customers are permitted at any given time. Such visits shall occur between 8:00 a.m. and 9:00 p.m. and shall be by appointment only.

9. There shall be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.

10. Repair and service of vehicles or any heavy machinery is prohibited as a home occupation.

11. Family day care homes are not considered a home occupation and are regulated separately by this Ordinance.

L. Mechanical Equipment

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment.

1. Ground-Mounted Equipment

a. Mechanical equipment is prohibited in the front yard. If mechanical equipment is located in the front yard as of the effective date of this Ordinance, the equipment may remain and may be

repaired and maintained unless it shall be replaced in its entirety or the principal structure is demolished.

b. Mechanical equipment is permitted only in the interior side, corner side, or rear yard and shall be located a minimum of three feet from any lot line.

2. Roof-Mounted Equipment

a. For structures three or more stories in height, all 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.

b. For structures less than three stories in height and for any building where roof equipment cannot meet the setback requirement of item a above, there shall be either a parapet wall to screen the equipment or the equipment shall be housed in solid building material that is architecturally integrated with the structure.

M. Outdoor Sales and Display

1. Retail goods establishments and similar retail uses are permitted to have accessory outdoor sales and display of merchandise. However, outdoor storage of goods not offered for sale by the establishment is prohibited.

2. Any outdoor display shall be located on the same lot as the principal use. Outdoor display may be located on the adjoining sidewalk only with the appropriate City permits and/or licenses.

3. The goods may only displayed when the use is open for business and shall be removed at the end of each business day.

N. Refuse and Recycling Container

1. Refuse and recycling container regulations apply only to multi-family dwellings and non-residential uses. Refuse and recycling containers are prohibited in the front yard.

2. All refuse and recycling containers shall be fully enclosed on three sides by a solid fence, wall, or wall of the principal building a minimum of six feet and a maximum of eight feet in height. The enclosure shall be gated. Such gate shall be solid.

O. Rooftop Accessory Structure

1. Accessory structures and rooftop features, such as green roofs, rooftop decks, rooftop gardens, stormwater detention systems, and similar accessory structures and uses are permitted on rooftops. Such structures are excluded from the calculation of height.

2. The roof shall contain sufficient space for future necessary operational installations such as mechanical equipment.

3. A rooftop greenhouse is excluded from building height calculations and does not count as a story. A rooftop greenhouse may exceed the building height maximum by no more than 25 feet so long as it is setback a minimum of ten feet from the building facade.

P. Satellite Dish Antenna

1. General Requirements

a. Small satellite dish antennas do not require a building permit. Large satellite dish antennas require a building permit.

b. Satellite dish antennas shall be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.

c. Subject to operational requirements, the dish color shall be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.

d. Cables and lines serving ground-mounted satellite dish antennas shall be located underground.

e. Compliance with all federal, state, and local regulations is required in the construction, installation, and operation of satellite dish antennas.

f. All exposed surfaces of the antenna shall be kept clean and all supports shall be painted to maintain a well-kept appearance.

g. Antennas no longer in use shall be immediately removed.

h. Every effort shall be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

2. Small Satellite Dish Antenna

Small satellite dish antennas, which are one meter (3.28 feet) or less in diameter, are subject to the general requirements above.

3. Large Satellite Dish Antenna

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

a. Residential Districts

i. Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are permitted only in the rear yard, and shall be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.

ii. The overall height of a large satellite dish antenna shall not exceed 12 feet.

iii. A large satellite dish antenna shall be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants shall be, a minimum of five feet tall at the time of installation.

b. Non-Residential Districts

i. Large satellite dish antenna are permitted only in the rear or interior side yard, and shall be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.

ii. Roof-mounting is permitted only if the satellite dish antenna is screened by an architectural feature. The visible portion of the dish shall not comprise more than 25% of the corresponding height or width of the screen.

iii. A large satellite dish antenna shall be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials and/or earth berms located to conceal the antenna and its support structure. Plants shall be a minimum of five feet tall at the time of installation.

Q. Solar Energy System (Accessory Use)

1. General Requirements

a. A solar panel may be building-mounted or freestanding.

b. Solar panels shall be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

2. Building-Mounted System

a. A building mounted system may be mounted on the roof or wall of a principal building or accessory structure.

b. On pitched roof buildings, the maximum height a solar panel shall rise is 18 inches.

c. On flat roofed buildings in R-1A, R-1, R-2, R-3, and R-P districts, the solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings in all other districts, the solar panel system is limited to fifteen feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.

d. Solar panels may project up to two feet from a building façade and shall be integrated into the structure as an architectural feature.

e. In the D-1 District, if visible from the right-of-way of any A Street abutting the property, the solar panels shall be integrated into the structure as an architectural feature..

3. Freestanding System

a. A freestanding system is permitted only in the interior side and rear yard.

b. In residential districts and the D-1 district, the maximum height of a freestanding system is eight feet. in all other districts, the solar panel system is limited to the maximum building height for that district, unless otherwise limited by any height restriction imposed by any airport authority, port authority, or other similar federal, state, or local authority.

4. Co-Location

Solar panels may be co-located on structures such as communication towers and light poles.

R. Swimming Pools and Hot Tubs

No private swimming pool or hot tub, or portion thereof, including, but not limited to, aprons, walks, and mechanical equipment, integral to the pool, may be located within a front yard, or within a required corner side or interior side setback.

S. Wind Energy System (Accessory Use)

Accessory wind energy systems are subject to the following requirements:

1. Wind turbines may be designed as either vertical or horizontal axis turbines with or without exposed blades, including designs that combine elements of the different types of turbines.

2. Wind turbines are subject to the following height restrictions:

a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district. A taller height is allowed by special use permit.

b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.

c. Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind energy system is measured from grade to the length of a prop at maximum vertical rotation.

d. No portion of exposed turbine blades (vertical access wind turbine) may be within 20 feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within ten feet of the ground.

3. Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than ten feet to any lot line. The tower shall be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.

4. All wind turbines shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

5. Wind turbines shall not exceed 65 dBA, as measured at the lot line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

6. In the D-1 District, the following additional standards apply to wind turbines:

a. Ground-mounted turbines are prohibited.

b. Roof-mounted wind turbines are limited to a maximum of 15 feet above the rooftop or parapet, whichever is greater. As part of Downtown Design Review Committee review, this standard may be waived to allow taller structures. Roof-mounted wind turbines are excluded from the calculation of building height.

c. Roof-mounted wind turbines shall be set back a minimum of 20 feet from all building walls. As part of Downtown Design Review Committee review, this standard may be waived to allow a lesser setback.

d. Shadow flicker shall be confined to the roof of the structure. As part of Downtown Design Review Committee review, this standard may be waived if no negative impacts result from a greater area of shadow flicker.

T. Yard Sale

Yard sales are allowed as accessory to a residential use and are subject to the following requirements:

1. Yard sales shall be located on private property unless an encroachment permit is approved to allow a yard sale in the public right-of-way.

2. Yard sale events are limited to six events per calendar year on the same lot and a maximum duration of two days per event, with a minimum of 30 days between events.

4. No yard sale shall be conducted before 8:00 a.m. or after 8:00 p.m.

1303 PERMITTED ENCROACHMENTS

A. Encroachments into Required Setbacks

An encroachment is the extension or placement of any structure, or component of such, into a required setback. Additional restrictions on permitted encroachments, including additional placement restrictions and bulk regulations, can be found in Section 1302. Permitted encroachments are found in Table 13-2: Permitted Encroachments into Required Setbacks. Where specific setback standards for accessory structures are not specified by this table, Section 1302, or this Ordinance, the general accessory structure requirements of Section 1302 apply.

Table 13-2: Permitted Encroachments into Required Setbacks Y= Permitted // N= Prohibited				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	N	Y	Y	Y
Amateur (HAM) Radio Equipment (Section 1302.B)	N	N	N	Y
Apiary (Section 1302.C)	N	N	N	Y
Aquaculture/Aquaponics (Section 1302.D)	N	N	N	Y
Arbor	Y	Y	Y	Y
Awning or Canopy: Non-Structural *Maximum encroachment of 3'*	Y	Y	Y	Y
Balcony *6' into front, interior side, or corner side* *8' into rear* *4' from all lot lines*	Y	Y	Y	Y
Bay Window *Maximum encroachment of 3'*	Y	Y	Y	Y
Canopy: Structural or Porte-Cochere *5' from all lot lines*	N	N	N	Y
Carport (Section 1302.E)	N	Y	Y	Y
Chicken Coop (Section 1302.F)	N	N	N	Y
Chimney *16" into setback* *4' from all lot lines*	Y	Y	Y	Y
Coldframe Structure (Section 1302.G)	N	Y	Y	Y
Compost Pile *5' from all lot lines* *Prohibited in front yard*	N	N	Y	Y
Deck *6' into interior or corner side* *8' into rear* *Prohibited in front yard*	N	Y	Y	Y
Dog House *Prohibited in front yard*	N	N	N	Y
Eaves *Maximum encroachment of 3'*	Y	Y	Y	Y
Exterior Lighting (Section 1301)	Y	Y	Y	Y
Exterior Stairwell *4' into rear* *Prohibited in front yard*	N	Y	Y	Y
Fence or Wall (Section 1302.I)	Y	Y	Y	Y
Fire Escape *Maximum encroachment of 4'*	Y	Y	Y	Y
Garage – Detached (Section 1302.J)	N	Y	Y	Y
Gazebo or Pergola *Prohibited in front yard*	N	Y	Y	Y
Greenhouse *Prohibited in front yard*	N	N	Y	Y
Mechanical Equipment – Ground-Mounted (Section 1302.L)	N	Y	Y	Y
Lawn Furniture and Lawn Decorations	Y	Y	Y	Y

Table 13-2: Permitted Encroachments into Required Setbacks Y= Permitted // N= Prohibited				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Patio *6' into front, interior side, or corner side* *8' into rear* *4' from all lot lines* *Maximum height of 1' above grade*	Y	Y	Y	Y
Personal Recreation Game Court *Prohibited in front yard*	N	N	N	Y
Playground Equipment *Prohibited in front yard*	N	N	N	Y
Porch - Unenclosed *6' into front, interior side, or corner side setback* *8' into rear setback* *4' from all lot lines*	Y	Y	Y	Y
Refuse and Recycling Container (Section 1302.N)	N	Y	Y	Y
Rain Barrel	Y	Y	Y	Y
Satellite Dish Antenna, Ground-Mounted (Section 1302.P)	N	N	N	Y
Shed *Prohibited in front yard*	N	N	Y	Y
Sidewalk	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features *Maximum encroachment of 30"*	Y	Y	Y	Y
Solar Energy System (Accessory Use) - Freestanding (Section 1302.Q)	N	N	Y	Y
Steps and Stoops (roofed or unroofed, includes support posts) *6' into front, interior side, or corner side setback* *8' into rear setback* *4' from all lot lines*	Y	Y	Y	Y
Sunshade *Maximum encroachment of 3'* *In the D-1 District, maximum projection into right-of-way of 8'*	Y	Y	Y	Y
Swimming Pool and Hot Tub (Section 1302.R)	N	N	N	Y
Trellis	Y	Y	Y	Y
Wind Energy System (Accessory Use) - Freestanding (Section 1302.S)	N	N	N	Y

B. Encroachments into the Public Right-of-Way

Certain architectural features and uses are permitted to encroach into the public right-of-way with approval of an encroachment permit in accordance with Section 1914. Two types of encroachment are permitted into the public right-of-way as described in this section.

1. Encroachment Not for Habitation

a. An encroachment not for habitation is any construction that projects from a building over, onto, or under a public right-of-way that is not designed for and cannot accommodate human or other habitation including, but not limited to, awnings, canopies, marquees, signs, architectural embellishments, foundations, wheelchair ramps, stairs, and the like, whether supported by the ground or not.

b. An encroachment not for habitation that encroaches over, onto, or under a public right-of-way is limited as follows:

i. Awnings, canopies, marquees, and signs with less than 15 feet vertical clearance above the sidewalk may extend into or occupy up to two-thirds of the width of the sidewalk measured from the lot line. Awnings, canopies, marquees, and signs with 15 feet or more vertical clearance above the sidewalk may extend into or occupy up to 100% of the width of the sidewalk.

ii. All other encroachments may extend up to four feet into the right-of-way, but in no case may extend farther than the curb line.

2. Encroachment for Habitation

a. An encroachment for habitation is any construction that projects from a building over, onto, or under a public right-of-way that is designed for and can accommodate human or other habitation including, but not limited to, balconies, bay windows, arcades, overhangs, basement vaults, subterranean parking garages, and the like, whether supported by the ground or not.

b. An encroachment for habitation includes structures and similar elements for outdoor dining, temporary outdoor sales, temporary outdoor entertainment, temporary mobile food sales, and live entertainment – ancillary use when such uses are conducted on the public right-of-way.

c. Where the vertical clearance above grade to projecting windows and balconies is more than eight feet, one inch of encroachment is permitted for each additional one inch of vertical clearance above eight feet, but the maximum encroachment is limited to a maximum of four feet.

1304 ENVIRONMENTAL PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

A. Noise

No activity or use shall be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

B. Glare and Heat

Any activity or the operation of any use that produces glare or heat shall be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

C. Vibration

No earthborne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

D. Dust and Air Pollution

Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, shall be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

E. Discharge and Disposal of Radioactive and Hazardous Waste

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials shall comply with applicable federal, state, and local laws, and regulations governing such materials or waste. No operation that produces radioactive or hazardous waste material may commence without prior notice to the City. Radioactive and hazardous material waste shall be transported, stored, and used in conformance with all applicable federal, state, and local laws.

F. Electromagnetic Interference

Electromagnetic interference from any operation of any use shall not adversely affect the operation of any equipment located off the lot on which such interference originates.

G. Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, shall be removed, stopped or modified so as to remove the odor.

H. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards shall be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

ARTICLE 14. OFF-STREET PARKING AND LOADING

1400 GENERAL PROVISIONS
1401 COMPUTATION OF REQUIREMENTS
1402 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES
1403 REQUIRED OFF-STREET LOADING SPACES
1404 DESIGN OF VEHICLE PARKING SPACES
1405 DESIGN OF BICYCLE PARKING SPACES
1406 DESIGN OF OFF-STREET LOADING SPACES
1407 DRIVEWAY DESIGN
1408 STORAGE OF COMMERCIAL VEHICLES
1409 STORAGE OF RECREATIONAL VEHICLES
1410 PARKING EXEMPTIONS
1411 SHARED PARKING

1400 GENERAL PROVISIONS

A. Existing Facilities

1. The existing number of off-street vehicle, bicycle, and loading spaces shall not be reduced below the minimum requirements of this Ordinance. If the number of existing spaces is already less than the requirements of this Article, it shall not be further reduced.

2. If a building permit was lawfully issued prior to the effective date of this Ordinance, and if substantial construction has begun within 180 days of the issuance of a permit, the number of off-street vehicle, bicycle, and loading spaces is that required by building permit and supersedes the requirements of this Ordinance.

B. Change in Use

When the existing use of a structure or land is changed to a new use, parking and bicycle spaces shall be provided as required for the new use, except as described below:

1. No additional vehicle and bicycle parking spaces are required if the change in use would result in an increase of spaces of less than 10%. This also applies to a simultaneous change in use of a group of uses on the same lot which together result in a need for an increase in vehicle and bicycle parking spaces of 10% or more. The percent increase is calculated by dividing the number of additional spaces required by the number of spaces required before the increase.

2. A change in use is eligible for a parking exemption per Section 1410.

3. A change in use is eligible for shared parking per Section 1411.

C. Change in Intensity of Use

Whenever the intensity of a use is increased based on an increase in the number of dwelling units, floor area, seating capacity, or other unit of measurement used to calculate the number of required number of vehicle and bicycle parking spaces, additional spaces shall be provided for that increase, except as described below:

1. Whenever there is an increase in the intensity of a use that creates a need for additional vehicle and bicycle parking spaces of 10% or more, the additional spaces are required. No additional vehicle and bicycle parking spaces are required if the increase in intensity would result in an increase of spaces of less than 10%. This also applies to a simultaneous increase in intensity of a group of uses on the same lot which together result in a need for an increase in vehicle and bicycle parking spaces of 10% or more. The percent increase is calculated by dividing the number of additional spaces required by the number of spaces required before the increase.

2. An increase in the intensity of a use is eligible for a parking exemption per Section 1410.

3. An increase in the intensity of a use is eligible for shared parking per Section 1411.

D. Grandfathered Deficiency of Required Vehicle and Bicycle Parking

1. In order to encourage the reuse of existing structures, this Ordinance allows for the grandfathered deficiency of vehicle and bicycle parking spaces of the immediate previous use. A property owner is required to show documentation of the grandfathered vehicle and bicycle spaces.

2. For illustrative purposes, the following example is provided. If the immediate previous use required ten vehicle parking spaces but was only able to provide four vehicle spaces, the six vehicle spaces that the use was unable to provide are grandfathered with the site. When a new use is undertaken in the structure that requires 12 vehicle spaces, it will be deficient eight vehicle spaces, as four are already constructed on the site. The six deficient vehicle spaces from the previous use are then applied to this eight vehicle space deficiency, meaning that the new user shall provide two more vehicle parking spaces or apply for a variance if unable to provide the additional vehicle spaces. See calculation below for further illustration of this example:

SAMPLE CALCULATION OF GRANDFATHERED PARKING PROVISION

	STEP 1	
	IMMEDIATE PREVIOUS USE: Required Parking	10 spaces
Subtract	IMMEDIATE PREVIOUS USE: Actual Parking	4 spaces
	GRANDFATHERED	6 spaces
	STEP 2	
	NEW USE: Required Parking	12 spaces
Subtract	NEW USE: Actual Parking	4 spaces
	NEW USE: Parking Deficiency	8 spaces
	STEP 3	
	NEW USE: Parking Deficiency	8 spaces
Subtract	GRANDFATHERED	6 spaces
	NEW USE: Additional Required Spaces	2 space

3. Following complete demolition of a structure, the new construction and use on the site shall meet all parking requirements and the grandfathered deficiency provision is no longer applicable.

E. Provision of Additional Spaces

Nothing in this Article prevents the voluntary establishment of additional off-street vehicle and bicycle parking spaces above that required by this Ordinance, unless the Ordinance specifies a maximum number of vehicle spaces in Section 1402.B. There is no limit on the number of bicycle parking spaces that may be provided.

F. Prohibition on Use of Parking Facilities

The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies, or the display of goods in off-street parking areas is prohibited, unless otherwise permitted by this Ordinance.

1401 COMPUTATION OF REQUIREMENTS

This section describes how the number of vehicle, bicycle, and loading spaces are calculated based upon the requirements of this Article. The total number of required vehicle and bicycle parking and loading spaces is based upon the requirements for the principal use or uses located on the lot.

A. Where multiple uses with different parking requirements occupy the same structure or lot, the required vehicle and bicycle parking and loading spaces is the sum of the requirements for each use computed separately, unless otherwise permitted by this Ordinance.

B. Space allocated to any off-street loading space shall not be used to satisfy the requirement for any off-street vehicle or bicycle parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street vehicle or bicycle parking space shall not be used to satisfy the replacement for any off-street loading space or portion thereof.

C. A fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one parking or loading space.

D. For uses where patrons or spectators occupy benches, pews or open floor areas used for service, each 48 linear inches of benches, pews, or permanent seating areas, or five square feet of open floor areas used for seating is counted as one seat for the purpose of determining the requirement for the required number of spaces.

1402 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES

A. General Requirements

1. Except as otherwise provided in this Ordinance, the minimum number of off-street vehicle and bicycle parking spaces to be provided for each use is listed in Table 14-1: Off-Street Vehicle and Bicycle Parking Requirements. Construction of all off-street parking shall be completed prior to the issuance of a certificate of occupancy.

2. Table 14-1 lists parking requirements for each use. In some cases, uses that are considered part of a generic use category are listed with specific vehicle parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district. Certain uses listed within the districts are not listed in Table 14-1 and therefore do not have vehicle parking requirements.

3. Certain uses listed within Table 14-1 are required to provide bicycle parking spaces. Of those uses required to provide bicycle spaces, some are also required to provide long-term spaces, where bicycles will be left for longer periods of time and require a safe and weatherproof storage area. The required number of long-term spaces is shown as a percentage of the required total bicycle spaces. All other required bicycle spaces shall be designed as short-term spaces, which are areas where bicycles will be left for short stops, requiring a high degree of convenience.

4. In all cases where bicycle parking is required, a minimum of two bicycle spaces shall be provided. After the first 25 required bicycle parking spaces are provided, additional bicycle parking spaces are required at a 50% reduction.

5. Where bicycle parking space requirements indicate “Over 10,000sf GFA” or other number threshold, this means that bicycle spaces are required only for structures over a certain gross floor area. In these cases, bicycle parking space requirements are calculated on the basis of the entire gross floor area.

6. Specific parking requirements may apply to the TOD Overlay District in Section 1106.

B. Maximum Vehicle Parking Limitations

The following vehicle parking maximums are applicable to all surface parking lots:

1. When surface parking lots are constructed for any commercial or office use over 20,000 square feet in gross floor area or any multi-tenant retail center or office park, the total number of vehicle parking spaces provided shall not exceed 135% of the required minimum. This vehicle parking maximum does not apply to vehicle parking spaces provided within a parking structure.

2. If a use is exempt from parking minimums, the maximum limitations of this section still apply if parking is voluntarily provided.

C. Vehicle Space Reduction for Provision of Bicycle Spaces

The following reductions in the number of vehicle parking spaces are permitted when bicycle parking and facilities are provided. An applicant may only use one of these three options.

1. A non-residential use may use up to two required vehicle parking spaces as space for bicycle parking. The area of the vehicle parking spaces shall be used for bicycle parking.

2. Where a non-residential use provides shower and locker facilities for use by bicyclists, a reduction of four vehicle parking spaces is permitted.

3. Where a non-residential use provides additional bicycle parking spaces of 120% or more of that required, the non-residential use is permitted a vehicle parking space reduction of up to 10%.

D. Provision of Car- and Bike-Share Facilities

1. Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day; it is not considered a vehicle rental establishment. Spaces reserved for car-share facilities may count toward minimum parking requirements of this Ordinance.

2. Spaces within parking lots and structures may include designated areas for bike-share facilities. A bike-share facility provides bicycle rentals to the public and it is not considered a vehicle rental establishment. When a minimum of 10 bicycles are provided by a bike-share facility, such facilities qualify for 5% of required vehicle spaces.

E. Provision of Electric Vehicle Charging Stations

Spaces within parking lots and structures may include designated parking spaces for electric vehicle charging. Spaces reserved for electric vehicle charging count toward minimum parking requirements of this Ordinance.

F. Multi-Tenant Retail Center Parking Calculation

Parking for multi-tenant retail centers is calculated as one space required per 500 square feet of gross floor area, rather than by the individual uses. A multi-tenant retail center is defined as a group of two or more commercial establishments, primarily retail, but also including personal service, restaurant, office, and similar non-residential 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 and strip centers. In addition, one bicycle space is required per 5,000 square feet of gross floor area with 25% of those required spaces designed as long-term bicycle parking.

TABLE 14-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS			
USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	PERCENTAGE OF REQUIRED BICYCLE SPACES THAT SHALL BE LONG-TERM SPACES
Adult Use	1 per 500sf GFA		
Amusement/Entertainment/Sports Facility - Indoor	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Bowling Alley	*2 per lane*	Over 10,000sf GFA: 1 per 2,500sf GFA	
Movie Theater	*1 per 4 seats for first 400 seats + 1 per 6 seats after first 400*	Over 10,000sf GFA: 1 per 2,500sf GFA	
Pool Hall	*2 per table*	Over 10,000sf GFA: 1 per 2,500sf GFA	

TABLE 14-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS			
USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	PERCENTAGE OF REQUIRED BICYCLE SPACES THAT SHALL BE LONG-TERM SPACES
Amusement/Entertainment/Sports Facility - Outdoor	1 per 1,000sf GFA + 1 per 1,000sf of outdoor area	Over 10,000sf GFA: 1 per 2,500sf GFA	
Animal Care Facility	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Apartment Dormitory	1 per 4 bedrooms	1 per 5 bedrooms	80%
Art Gallery	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Arts Studio	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Bar	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Bed and Breakfast	1 space + 1 per 2 guestrooms		
Body Modification Establishment	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Broadcasting Facility	1 per 1,000sf GFA	Over 10,000sf GFA: 1 per 5,000sf GFA	
Car Wash	2 per car wash bay + 3 stacking spaces per bay		
Community Center	1 per 500sf GFA	1 per 2,500sf GFA	
Community Residence	1 per 5 employees and residents		
Compassion Center	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Contractor Storage Yard	1 per 500sf GFA of office		
Country Club	Cumulative - determined by sum of requirements for all uses within development (golf course, driving range, restaurant, etc.)	Cumulative - determined by sum of requirements for all uses within development (golf course, driving range, restaurant, etc.)	
Cultural Facility	1 per 500sf GFA	1 per 2,500sf GFA	
Day Care - Day Care Center	1 per 1,000sf GFA		
Dwelling - Multi-Family	1 per dwelling unit	1 per 5 dwellings (calculated by entire development)	80%
Dwelling - Rowhouse	1 per dwelling unit	1 per 5 dwellings (calculated by entire development)	80%
Dwelling - Semi-Detached	1 per dwelling unit		
Dwelling - Single-Family	1 per dwelling unit		
Dwelling - Three-Family	1 per dwelling unit		
Dwelling - Two-Family	1 per dwelling unit		
Educational Facility - Primary	1 per 3 employees	3 per classroom	
Educational Facility - Secondary	1 per 3 employees	3 per classroom	
Educational Facility - University or College	1 per 3 employees & staff (calculated according to the largest shift during an average day) + 1 per 8 non-commuting students who are over the driving age + 1 per 2 commuting students	1 per 5,000sf GFA	50%

TABLE 14-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS			
USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	PERCENTAGE OF REQUIRED BICYCLE SPACES THAT SHALL BE LONG-TERM SPACES
	(calculated according to the largest number in attendance for any shift during an average day) + 1 per 10 seats for all auditoriums, skating rinks, stadiums, or other structures for exhibitions or athletic events Parking spaces provided for other purposes that are available at the time of the exhibition or athletic event may count toward required parking		
Educational Facility - Vocational	1 per 3 employees	Over 10,000sf GFA: 1 per 2,500sf GFA	
Financial Institution/Bank	1 per 500sf GFA + 3 stacking spaces per drive-through lane	1 per 5,000sf GFA	
Fraternity/Sorority	1 per 4 rooms	1 per 5 rooms	80%
Freight Terminal	1 per 1,000sf GFA of terminal building	1 per 5,000sf GFA	
Funeral Home	1 per 250sf GFA	1 per 5,000sf GFA	
Gas Station	2 per pump (in addition to pump spaces) + 1 per 500sf GFA of retail area + 2 per service bay of accessory motor vehicle service and repair + 4 stacking spaces for car wash bay		
Golf Course/Driving Range	2 per tee	1 per 2 tees	
Government Office	1 per 500sf GFA	1 per 2,500sf GFA	50%
Greenhouse/Nursery	1 per 500sf GFA + 1 per 1,000sf of outdoor area	Over 10,000sf GFA: 1 per 2,500sf GFA	
Group Quarters	1 per 4 bedrooms	1 per 4 bedrooms	80%
Health Care Institution	1 per 500sf GFA	1 per 2,500sf GFA	50%
Heavy Retail, Rental & Service	1 per 500sf GFA + 1 per 1,000sf of outdoor area	Over 10,000sf GFA: 1 per 2,500sf GFA	
Hotel/Motel	1 per room	1 per 5 rooms	
Industrial - Artisan	1 per studio	1 per 2 studios	50%
Industrial - General	1 per 5 employees	1 per 5 employees	50%
Industrial - Light	1 per 5 employees	1 per 5 employees	50%
Industrial Design	1 per 500sf GFA	1 per 2,500sf GFA	50%
Live Performance Venue	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Lodge/Meeting Hall	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	50%
Marina - Recreational	1 per 2 slips Additional uses within the recreational marina (restaurant, bar, etc.): Cumulative - determined by sum of requirements for each of the uses within development	1 per 4 slips	
Marina - Commercial	1 per 2 slips	1 per 4 slips	
Medical/Dental Office	1 per 500sf GFA	1 per 5,000sf GFA	25%

TABLE 14-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS			
USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	PERCENTAGE OF REQUIRED BICYCLE SPACES THAT SHALL BE LONG-TERM SPACES
Micro-Brewery/Distillery/Winery	1 per 1,000sf GFA	1 per 5,000sf GFA	50%
Movie Studio	1 per 2,000sf GFA	1 per 5,000sf GFA	50%
Nightclub	1 per 250sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Office	1 per 500sf GFA	1 per 5,000sf GFA	50%
Outdoor Market	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Passenger Terminal	1 per 500sf GFA of terminal building	1 per 5,000sf GFA	
Personal Service Establishment	1 per 500sf GFA	Over 10,000sf GFA: 1 per 5,000sf GFA	25%
Place of Worship	R-1, R-2, & R-3 Districts: 1 per 5 seats Other Districts: 1 per 8 seats	1 per 5,000sf GFA	25%
Power Plant	1 per 2,000sf GFA	1 per 5,000sf GFA	50%
Public Safety Facility	1 per 500sf GFA	1 per 5,000sf GFA	50%
Public Works Facility	1 per 1,000sf GFA	1 per 5,000sf GFA	50%
Reception Facility	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Rehabilitation Center	1 per 2 rooms	1 per 4 rooms	50%
Research & Development	1 per 500sf GFA	1 per 5,000sf GFA	50%
Residential Care Facility	To be calculated on the type of facility or combination of facilities provided below	1 per 5,000sf GFA	50%
Independent Living Facility	*0.75 per dwelling unit*		
Assisted Living Facility	*0.5 per dwelling unit*		
Nursing Home	*0.5 per patient room*		
Restaurant	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	25%
Retail Goods Establishment	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	25%
Self-Storage Facility	1 per 25 storage units		
Specialty Food Service	1 per 500sf GFA	1 per 5,000sf GFA	25%
Storage Yard - Outdoor	1 per 1,000sf of lot area		
Vehicle Dealership/Repair/Service	1 per 500sf GFA of indoor sales and display area + 3 per service bay		
Vehicle Operations Facility	1 per 3,000sf GFA		
Warehouse	1 per 20,000sf GFA of warehouse space	Over 10,000sf GFA: 1 per 5,000sf GFA	50%
Wholesale Establishment	1 per 20,000sf GFA of warehouse space	Over 10,000sf GFA: 1 per 5,000sf GFA	50%

1403 REQUIRED OFF-STREET LOADING SPACES

A. Off-street loading spaces shall be provided for any use that distributes or receives materials or merchandise by trucks or other commercial vehicles in accordance with Table 14-2: Off-Street Loading Requirements. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant. For example, if only one commercial tenant of a multi-tenant development is over 20,000 square feet, only one loading space is required; if all tenants are under 20,000 square feet, no loading is required.

B. Structures that are 50 years of age or older and do not currently have any loading areas are exempt from off-street loading requirements.

C. If a use increases the floor area by 30% or more, accessory off-street loading spaces are required in accordance with Table 14-2.

D. No structure is required to provide more than five loading spaces.

TABLE 14-2: OFF-STREET LOADING REQUIREMENTS	
Use Type	Number of Spaces Required
Multi-Family Dwelling	
40,000sf or more GFA	1 loading space
Commercial & Institutional Use	
20,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 200,000sf)	1 additional loading space
Industrial Use	
10,000 - 40,000sf GFA	1 loading spaces
40,001 - 100,000sf GFA	2 loading spaces
Each additional 50,000sf of floor area (This applies only for each additional full 50,000sf over 100,000sf)	1 additional loading space

1404 DESIGN OF VEHICLE PARKING SPACES

A. Permitted Vehicle Parking Locations

1. Residential Uses

a. All required off-street vehicle parking spaces for residential uses and the residential component of mixed-use developments shall be located on the same lot or on a separate lot from the lot containing the use for which parking is required, if the Director of Inspection and Standards finds that the proposed location is within a reasonable distance of the use, the off-site parking conforms to this Ordinance, and the off-site parking is not required for another use. Shared parking in accordance with Section 1411 is permitted. When parking is not located on the same lot, the property owner(s) shall permit the Director of the Department of Inspection and Standards to file a lien with the Recorder of Deeds against both the lot containing the requiring parking and the lot for which the parking is being provided. The lien shall designate the use of the lot for off-street parking, and provide notice that insufficient parking exists on the original lot. The lien may be terminated by the Director of the Department of Inspection and Standards if it is no longer necessary for conformance.

b. For single-family, two-family, semi-detached, three-family, and rowhouse dwellings, required vehicle parking spaces are permitted in private driveways, but shall not encroach onto the public right-of-way.

c. Tandem vehicle parking is permitted for residential uses.

d. For single-family, two-family, semi-detached, and three-family dwellings where there is alley access, all vehicle parking areas shall be accessed from the alley and all vehicle parking areas shall be located in the rear yard.

2. Non-Residential Uses

a. Vehicle parking for a non-residential use shall be located on the same lot or on a separate lot from the lot containing the use for which parking is required, if the Director of Inspection and Standards finds that the proposed location is within a reasonable distance of the use, the off-site parking conforms to this Ordinance, and the off-site parking is not required for another use.Valet parking services shall provide evidence of a lot reserved for vehicle parking. Shared parking in accordance with Section 1411 is permitted. When parking is not located on the same site, the property owner(s) shall permit the Director of the Department of Inspection and Standards to file a lien with the Recorder of Deeds against both the lot containing the requiring parking and the lot for which the parking is being provided. The lien shall designate the use of the lot for off-street parking, and provide notice that insufficient parking exists on the original lot. The lien may be terminated by the Director of the Department of Inspection and Standards if it is no longer necessary for conformance.

b. Tandem vehicle parking is permitted for non-residential uses. If such tandem spaces are unattended (i.e., an attendant moves the vehicles), a management plan is required.

c. For educational facilities – university or college and healthcare institutions, required parking is fulfilled by all parking areas on the campus, including non-contiguous areas, as detailed in an institutional master plan.

B. Dimensions of Vehicle Parking Spaces

1. Off-street vehicle parking spaces shall be designed in accordance with Figure 14-1.

2. Parking facilities consisting of ten or more spaces may set aside up to 10% of the required spaces as compact car spaces.

C. Access Requirements for Off-Street Vehicle Parking Areas

1. Each off-street vehicle space shall open directly upon an aisle or driveway of adequate width to provide access to a vehicle parking space. All off-street parking facilities shall provide access in a manner that least interferes with traffic movement. For all uses except single-family, two-family, semi-detached, and three-family dwellings, the parking area shall be designed so that the driver of the vehicle proceeds forward into traffic rather than backs out.

2. All required off-street parking facilities shall have vehicular access from a street, alley, driveway, or cross-access connection.

D. Accessible Vehicle Parking Requirements

All parking lots shall comply with the regulations issued by federal agencies under the Americans with Disabilities Act of 1990 (ADA) for the amount and design of accessible vehicle parking spaces required in parking lots and structures.

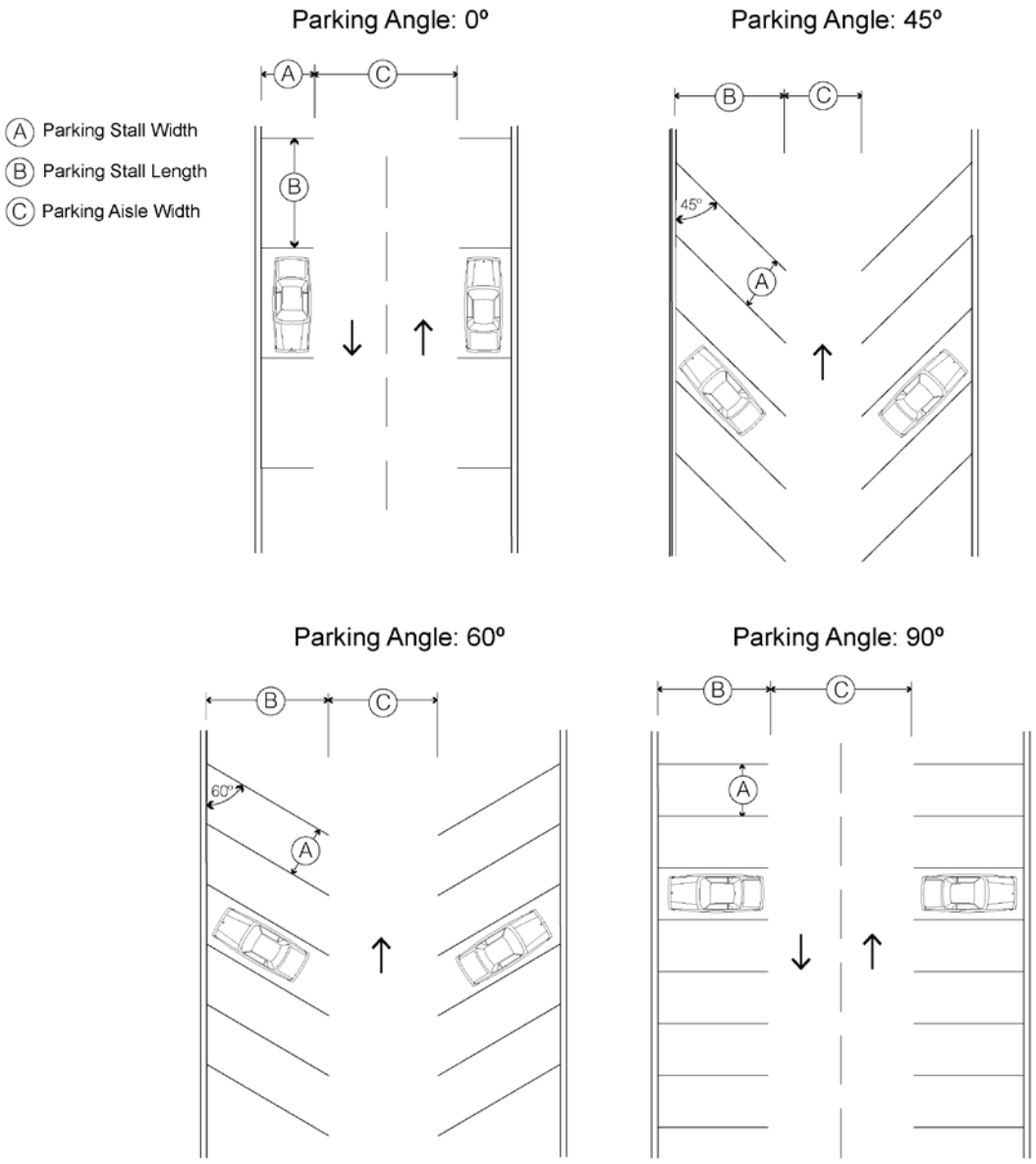
E. Hydraulic Lifts

All hydraulic lifts shall be located within a parking structure.

OFF-STREET PARKING DIMENSIONS (Figure 14-1)					
Parking Angle	Standard Minimum Stall Width	Standard Minimum Stall Length	Compact Minimum Stall Width	Compact Minimum Stall Length	Minimum Aisle Width
0°	8.5'	18'	7.5'	15'	11' / 22' [1]
45°	8.5'	18'	7.5'	15'	12'
60°	8.5'	18'	7.5'	15'	16'
90°	8.5'	18'	7.5'	15'	22'

[1] Two-way traffic

FIGURE 14-1



F. Striping

Off-street parking areas of more than four spaces shall be marked by painted lines maintained in clearly visible condition, curbs or other means to indicate individual spaces. Signs or markers should be used as necessary to ensure efficient and safe circulation within the lot. Vehicle parking spaces for handicapped persons shall be identified with the appropriate sign and visible at all times of the year, regardless of plant growth or similar conditions.

G. Curbing and Wheel Stops

Wheel stops or curbing shall be provided to prevent vehicles from damaging or encroaching upon any adjacent parking or loading space, sidewalk, landscaped area, or parking lot island, fence, wall, or building.

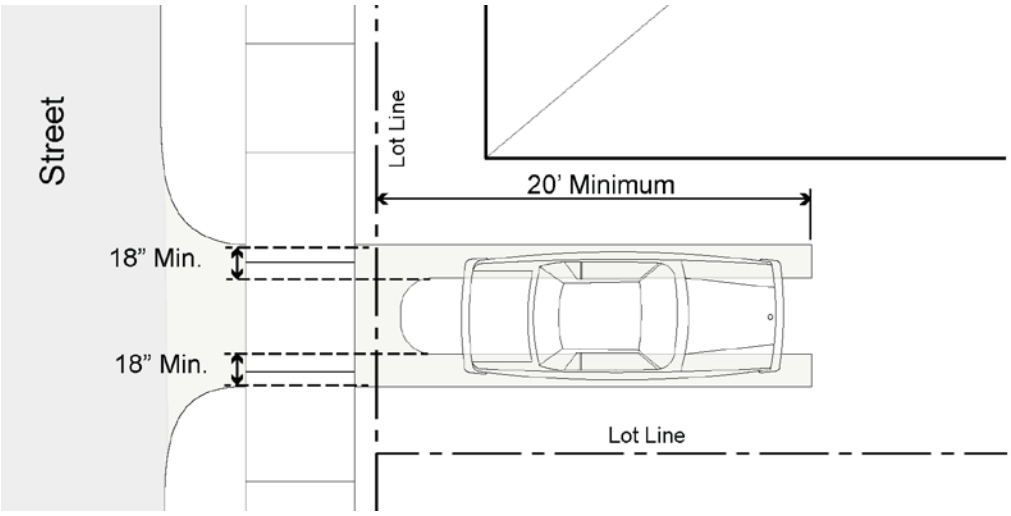
H. Surfacing

1. All parking areas shall be paved with a durable all-weather material or pervious paving. All uneven slabs shall be resurfaced to provide a smooth surface.

2. All single-family and two-family dwellings are permitted to construct driveways that consist of two concrete wheel strips, each of which is at least 18 inches wide and at least 20 feet long. (Figure 14-2)

3. All areas designated or used for parking or access to parking shall be considered impervious surfaces. Parking shall not be permitted on non-paved portions of the lot.

FIGURE 14-2



I. Drainage and Maintenance

1. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. All drainage shall comply with the requirements of the Providence Code of Ordinances for stormwater management.

2. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

J. Lighting

Parking lot lighting shall comply with Section 1301. Adequate lighting shall be provided if off-street parking spaces are used at night. All lighting shall be arranged to eliminate glare on residential property

by location of light fixtures or use of fixtures designed to eliminate direct view of luminaries in fixtures from residential property.

K. Landscape and Screening

All parking lots shall be landscaped and screened in accordance with Article 15.

L. Pedestrian Walkway Design within Parking Areas

Clearly delineated crosswalks of paving, brick paver, bituminous brick pattern stamping, or painted striping shall connect landscaped areas and parking lot islands to building entrances to improve safe passageway for pedestrians. Curb cuts shall be included on landscaped areas or islands where such crosswalks are located.

1405 DESIGN OF BICYCLE PARKING SPACES

A. Location

1. The bicycle parking area shall be convenient to building entrances and street access, but shall not interfere with normal pedestrian and vehicle traffic.

2. Bicyclists shall not be required to travel over stairs to access parking.

3. When required to provide bicycle spaces, certain uses are also required to provide long-term spaces, where bicycles will be left for longer periods of time and require a safe and weatherproof storage area. The required number of long-term spaces is shown as a percentage of the required total bicycle spaces in Table 14-1. All other required bicycle spaces shall be designed as short-term spaces, which are areas where bicycles will be left for short stops, requiring a high degree of convenience.

4. Short-term bicycle parking spaces shall be located no more than 50 feet from the principal building entrance and at the same grade as the sidewalk or an accessible route. The property owner may also make suitable arrangement with the Department of Public Works to place required bicycle parking spaces in the public right-of-way. Parking in the public right-of-way shall be within 50 feet of the lot. The City Plan Commission may allow for greater distances from bicycle parking to buildings or lots for institutional campuses through the institutional master plan development plan review process.

5 Long-term bicycle parking spaces shall be located in a covered area that is easily accessible from the public-right-of-way and building entrances.

6. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

B. Design

1. Required bicycle spaces shall have a minimum dimension of two feet in width by six feet in length, with a minimum vertical clearance of seven feet. Each required bicycle parking space shall be accessible without moving another bicycle. There shall be an aisle at least five feet wide between each row of bicycle parking to allow room for bicycle maneuvering.

2. The area devoted to bicycle parking shall be surfaced as required for vehicle parking areas.

3. All long-term bicycle parking spaces shall be located indoors or fully covered, which can be achieved through use of an overhang or covered walkway, weatherproof outdoor bicycle lockers, or an indoor storage area. Where bicycle parking is not located within a building or locker, the cover design shall be of permanent construction, designed to protect bicycles from rainfall, snow, and inclement weather, and with a minimum vertical clearance of seven feet.

4. Bicycle parking facilities shall provide lockable enclosed lockers or racks or similar structures where the bicycle may be locked by the user. Racks shall permit the bicycle frame and one wheel to be

locked to the rack and support the bicycle in a stable position. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. All lockers and racks shall be securely anchored to the ground or a structure to prevent the racks and lockers from being removed from the location.

5. If required bicycle parking facilities are not visible from the street or principal building entrance, signs shall be posted indicating their location.

1406 DESIGN OF OFF-STREET LOADING SPACES

A. Location

All off-street loading spaces shall be located on the same lot as the use served. No off-street loading spaces may project into a public right-of-way. No off-street loading space is permitted in a front yard.

B. Dimensions

1. All required off-street loading spaces shall be a minimum of 12 feet in width, a minimum of 35 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of 15 feet.

2. Structures that are 50 years of age or older and maintain loading spaces that do not comply with the dimensions of this section are deemed legally conforming in terms of loading space dimensions. If new loading spaces are constructed, such spaces may be designed to match the dimensions of existing spaces rather than the requirements of this section.

C. Surfacing

All off-street loading spaces shall be paved with a durable, all-weather material or pervious paving.

D. Drainage and Maintenance

1. Off-street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. All drainage shall comply with the requirements of the Providence Code of Ordinances for stormwater management.

2. Off-street loading areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee

E. Access Control and Signs

Each required off-street loading space shall be designed with adequate means of vehicular access to a street or alley and in a manner that will minimize interference with traffic movement.

F. Lighting

Loading facility lighting shall meet the requirements of Section 1301. Illumination of an off-street loading facility shall be arranged so as to deflect the direct rays of light away from adjacent properties and streets.

G. Landscape and Screening

All loading facilities shall be landscaped and screened in accordance with Article 15.

1407 DRIVEWAY DESIGN

A. Driveway Design

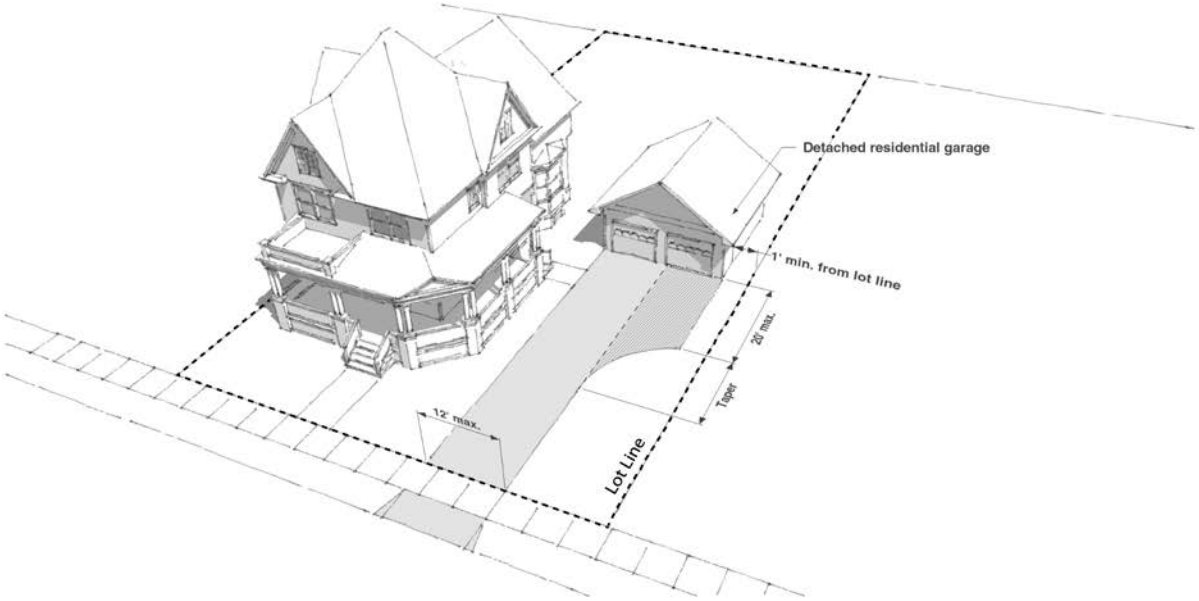
1. Residential Driveways: Excluding Multi-Family and Rowhouse Dwellings

a. A residential driveway that provides access to a detached or attached garage is limited to a maximum width of 12 feet. A driveway apron, the width of the garage, as measured from the

garage walls, is permitted to extend for a distance (depth) of 20 feet from the garage doors before tapering back to the required driveway width for access to the additional spaces. (Figure 14-3)

b. A residential driveway may be shared by adjacent lots. This shared driveway location is only allowed if agreed to by the owners of each lot, and the agreement is recorded as a shared driveway easement on each plat of survey.

FIGURE 14-3



2. Multi-Family and Rowhouse Dwellings, and Non-Residential Driveways

With the exception of loading berths, driveways are limited to a maximum width of 12 feet for one-way drives, and a maximum of 24 feet for two-way drives.

B. Curb Cuts

1. Curb cuts shall be required to provide access to parking areas from the public right of way. All curb cuts require approval of the Department of Public Works and the Traffic Engineer.

2. Single-family, two-family, semi-detached and three-family dwellings are limited to one curb cut. However, lots of 50 feet or more in width may have two curb cuts to create a circular drive with approval of a special use permit.

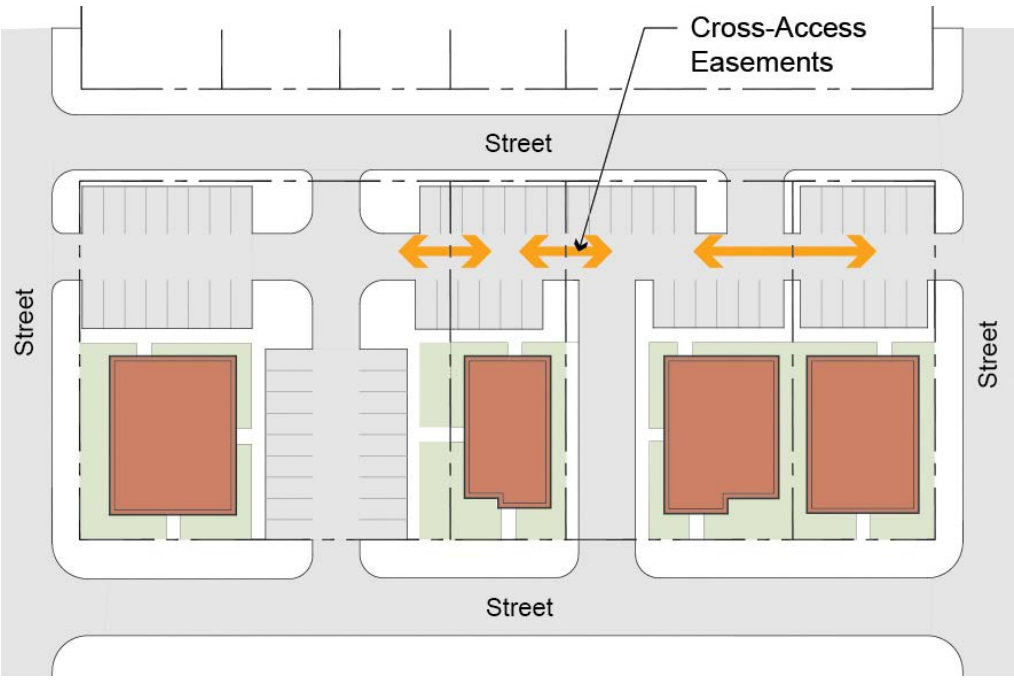
3. Lots in the RP District are limited to one curb cut.

4. Lots or uses in all other districts are limited to one curb cut per street frontage plus one additional curb cut every 200 feet after the initial 200 feet.

C. Cross-Access Easements

1. Adjacent non-residential uses, including mixed-use development, with dedicated parking areas are encouraged to provide a cross-access drive to allow circulation between sites. Property owners are encouraged to pursue cross-access with adjacent property owners at the time of development. If cross-access is provided, the Department of Public Works and Traffic Engineer may require that the property owner provide proof that adjacent property owners have been contacted in writing regarding the provision of cross-access. (Figure 14-4)

FIGURE 14-4



2. Joint use driveways and cross-access easements shall incorporate the following:

a. Bump-outs and other site design features to make it visually obvious that the abutting properties are tied together.

b. A unified access and circulation plan for shared parking areas.

3. Pursuant to this section, property owners who establish cross-access easements shall:

a. Record an easement allowing cross-access to and from properties served by the joint use driveways and cross-access easement.

b. Record an easement that remaining access rights along the roadway shall be dedicated to the City, and that any pre-existing driveways shall be closed and eliminated after construction of the joint-use driveway.

c. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

4. Property owners who establish cross-access easements are eligible for shared parking reductions in accordance with Section 1411.

1408 STORAGE OF COMMERCIAL VEHICLES

No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks are permitted to be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, tow trucks, construction vehicles, livery vehicles

that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outside overnight on a lot in a residential district.

1409 STORAGE OF RECREATIONAL VEHICLES

A. Recreational vehicles include trailers, campers, motor homes, boats, pop-up campers, and trailers that transport recreational vehicles such as boats and jet-skis.

B. No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be parked outdoors on a lot in a residential district for more than 72 hours.

C. Recreational vehicles may be stored in a residential district either within a fully enclosed structure or within the rear yard. If stored in the rear yard, the recreational vehicle shall be located at least five feet from any lot line and screened from view from any public right-of-way, excluding alleys, by a solid fence or masonry wall. If the recreational vehicle is screened by an existing structure or landscape so that it is not visible from the public right-of-way, excluding alleys, it is considered to have met these requirements. Temporary storage tents for recreational vehicles are prohibited.

D. No recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and may not be hooked up to any public utilities.

E. All recreational vehicles shall be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.

1410 PARKING EXEMPTIONS

A. Applicability

When a use is exempt from vehicle parking requirements by this Article, bicycle parking is required unless bicycle parking is specifically exempted as well. If a use that is exempt from vehicle parking voluntarily provides parking, bicycle parking, as required by this Article, is required.

B. Exemptions from Parking Requirements

1. The D-1 District is exempt from all off-street vehicle and bicycle parking requirements.

2. Specific parking exemptions may apply to the TOD Overlay District in Section 1106.

3. The use “neighborhood commercial establishment” is exempt from all off-street vehicle and bicycle parking requirements.

4. Where topographic conditions or excessive grades do not allow for vehicle access on a lot with a single-family use, the lot is exempt from off-street vehicle parking requirement.

5. The first 2,500 square feet of gross floor area for non-residential uses in the R-P, C-1, C-2, and C-3 Districts are exempt from all off-street vehicle and bicycle parking requirements.

6. In the M-MU-90 Sub-District of the M-MU District, parking requirements may be reduced by 50% of that required.

7. In the C-1 and C-2 districts, all lots of 10,000 square feet or less are exempt from parking requirements.

8. Existing structures as of the effective date of this Ordinance that currently do not provide any parking due to lack of sufficient space on the lot to accommodate parking are exempt from all off-street vehicle and bicycle parking requirements regardless of any change in intensity or use, subject to review and approval by the Director of the Department of Inspection and Standards. The Director of the Department of Inspection and Standards may require the property owner to provide evidence that the structure has not historically provided parking. Once the principal building is

demolished, this exemption is not longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased), this exemption is not longer valid.

C. Exemption for Approved Parking Management Plan

1. For health care institutions and educational facilities - universities and colleges, exemptions to required off-street parking requirements may be granted based on submittal and approval of a parking management plan, which is approved by the City Plan Commission. Exemptions may be granted for the implementation and demonstrated effectiveness of parking and transportation alternatives that provide students, employees, and/or visitors with mobility options designed to reduce demand for parking and relieve congestion on adjacent streets.

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

3. Reductions in parking requirements will be evaluated on a case-by-case basis, with a potential reduction of up to 30% when it is clear that the parking and transportation alternative(s) will result in a corresponding reduction in parking demand. This reduction does not include any grandfathered shortfall.

4. A campus-wide parking management plan shall be submitted as part of the Institutional Master Plan, and shall include the following information:

a. The number, size, location, access, and general operation and management of all required and proposed on-site and off-site parking and loading spaces.

b. Traffic demand management strategies including, but not limited to:

i. Available public transportation options.

ii. Existing and proposed shuttle services.

iii. Bicycle parking.

iv. Facility design, operation, shared vehicle, and/or parking strategies.

v. Enforcement and controls.

vi. Overflow management strategies.

c. A parking and trip demand analysis prepared by a certified traffic engineer.

1411 SHARED PARKING

A. Off-street parking spaces for separate uses may be provided collectively if the aggregate number of spaces provided is not less than the sum of the spaces required in Table 14-3: Shared Parking Calculation. Multi-tenant retail centers are not eligible for shared parking. Mixed-use developments, multi-use office parks, and similar types of development, and property owners that establish cross-access easements are all eligible for shared parking.

B. Table 14-3 is applied in the following manner:

1. The required number of spaces for each use is calculated according to Table 14-1.

2. The required number of spaces for each use is then applied to the percentages for each timeframe according to the appropriate land use category in Table 14-3 to determine the number of required spaces. This is done for each timeframe category.

3. The numbers are summed for within each timeframe and the highest sum total in a timeframe is the required number of spaces.

TABLE 14-3: SHARED PARKING CALCULATION						
LAND USE	Weekday			Weekend		
	Mid-9am	9am-5pm	5pm-Mid	Mid-9am	9am-5pm	5pm-Mid
Residential	100%	75%	100%	100%	100%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel/Motel	100%	50%	90%	100%	65%	80%
Office	5%	100%	5%	0%	40%	10%
Industrial	5%	100%	5%	0%	60%	10%

C. Shared parking may be located off-site so long as it complies with the location requirements of Section 1404.

D. The following is a sample calculation of how this provision is applied:

SAMPLE CALCULATION

Example: multi-use office park with the following uses within the development; based on current parking requirements, the number of required spaces is:

Use & Square Footage	Parking Requirement	Number of Spaces Needed
Office: 40,000sf GFA	1 per 500sf GFA	80 spaces
Hotel/Motel: 60 rooms	1 per room	60 spaces
Restaurants: 10,000sf GFA	1 per 500sf GFA	20 spaces
Retail Establishments: 15,000sf GFA	1 per 500sf GFA	30 spaces
	TOTAL SPACES REQUIRED	190 spaces

Using the shared parking calculation, these numbers are plugged into the table and using the percentages allotted to each land use for each time of day, are calculated as total spaces required per timeframe.

Land Use	Required by Ordinance	Mid-9am		9am-5pm		5pm-Mid		Mid-9am		9am-5pm		5pm-Mid	
		%	#	%	#	%	#	%	#	%	#	%	#
Residential	N/A	100%	N/A	75%	N/A	100%	N/A	100%	N/A	100%	N/A	75%	N/A
Commercial	30	0%	0	100%	30	80%	24	0%	0	100%	30	60%	18
Restaurant	20	50%	10	70%	14	100%	20	45%	9	70%	14	100%	20
Hotel/Motel	60	100%	60	50%	30	90%	54	100%	60	65%	39	80%	48
Office	80	5%	4	100%	80	5%	4	0%	0	40%	32	10%	8
Industrial	N/A	5%	N/A	100%	N/A	5%	N/A	0%	N/A	60%	N/A	10%	N/A
TOTAL	190		74		154		102		69		115		94

Per the Ordinance: "The numbers are summed within each timeframe and the highest sum total in a timeframe is the required number of spaces." Therefore, with a straight parking calculation, 190 spaces

are required. However, the shared parking provision allows this example multi-use office park to be constructed by-right with 154 spaces (the highest number of spaces within the various timeframes - the 9am to 5pm timeframe). This is because these timeframe calculations take into account the times of day the various uses utilize the most parking.

ARTICLE 15. TREES AND LANDSCAPING

1500 LANDSCAPING REQUIRED
1501 LANDSCAPE PLAN
1502 LANDSCAPE DESIGN STANDARDS
1503 ON-SITE LANDSCAPING AND REQUIRED TREES
1504 PARKING LOT PERIMETER LANDSCAPE STRIP
1505 INTERIOR PARKING LOT LANDSCAPING
1506 SCREENING OF PARKING LOTS FROM RESIDENTIAL DISTRICTS
1507 WATERBODY VEGETATIVE BUFFERS

1500 LANDSCAPING REQUIRED

A. Development activity that meets any of the criteria described below triggers conformance with this Article:

1. At a minimum, full conformance is required for the entire development or area within the limits of disturbance, whichever is less.

2. If land within limits of disturbance equals more than 50% of the area of the lot or lots being developed, the entire development shall fully conform to the requirements of this Article.

3. Full conformance is required when new principal buildings are constructed in the R-1A, R-1, R-2, R-3, and RP Districts.

No development or tree cutting may result in a loss of trees and landscaping below what is required by this Article.

1501 LANDSCAPE PLAN

A. Content of Landscape Plan

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, and drainage facilities.

2. The location, quantity, size, name, and condition, both botanical and common, of all existing trees and shrubs on-site, indicating trees and shrubs to be retained and removed.

3. The location, quantity, size, and name, both botanical and common, of all proposed plant material.

4. The existing and proposed grading of the site indicating contours at one foot intervals. Proposed berming shall also be indicated using one foot contour intervals.

5. Elevations of all proposed fences, walls, stairs, and retaining walls.

B. Enforcement of Landscape Plan

1. No certificate of occupancy shall be issued until all the requirements of this Article and the landscape plan have been fulfilled.

2. If weather prohibits the installation of landscaping at the time a certificate of occupancy is applied for, a temporary certificate of occupancy may be issued for a six-month period.

1502 LANDSCAPE DESIGN STANDARDS

A. Selection of Plant Materials

All plant materials shall be of good quality and meet American Association of Nurserymen (AAN) standards for minimum acceptable form, quality, and size for species selected, and capable to withstand the seasonal temperature variations of Rhode Island, as well as the individual site microclimate. The use of species native or naturalized to Rhode Island is encouraged. Size and density

of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant material is preferred.

B. Installation of Plant Materials

All landscape materials shall be installed in accordance with the current planting procedures established by the AAN. All plant materials shall be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

C. Minimum Planting Sizes

1. Shade trees shall have a minimum trunk size of two inches in tree caliper at planting.

2. Evergreens trees shall have a minimum height of six feet at planting.

3. Single stem ornamental trees shall have a minimum trunk size of two inches in tree caliper at planting. Multiple stem ornamental trees shall have a minimum height of eight feet at planting.

4. Large deciduous and evergreen shrubs shall have minimum height of three feet at installation. Small deciduous and evergreen shrubs shall have a minimum height of 18 inches at installation. Large shrubs are those shrubs that reach five or more feet in height at maturity. Small shrubs are those shrubs that may grow up to five feet in height if left unmaintained, but are generally maintained at heights of 18 to 30 inches.

D. Species Diversity

Diversity is required in plant material for visual interest and to reduce the risk of losing a large population of plants due to disease.

E. Maintenance

1. Landscape material depicted on approved landscape plans is considered a required site element in the same manner as structures, parking, lighting, and other improvements. As such, the property owner is responsible for the maintenance, repair, and replacement of all landscape material, fences, walls, steps, retaining walls, and similar landscape elements.

2. All landscape material shall be maintained in good condition, present a healthy, neat, and orderly appearance, and kept free of refuse and debris. Any dead, unhealthy, or missing plants shall be replaced within 60 days.

F. Tree Protection During Development

1. During development, all precautions shall be undertaken to prevent construction damage to existing trees, as described in the City Tree Ordinance of the Providence Code of Ordinances. Protection includes prevention of injury to the trunk, branches, and root systems.

2. No person may create a trench through the root system of an existing tree, expose the roots to the air overnight without a method for maintaining moisture, change the soil grade within the dripline of the tree, or cause soil compaction with the use of vehicles, machinery, or other method. The root systems of trees on adjacent lots shall also be protected.

1503 ON-SITE LANDSCAPING AND REQUIRED TREES

A. General Requirements

1. All portions of a lot not covered by structures or paved surfaces shall be landscaped with trees, shrubbery, grass, live groundcover, and other plantings. The landscape design may also include the use of stone, mulch beds, or other pervious landscaping materials (this excludes pervious pavement).

2. All existing plantings that are maintained on a site may be counted toward any required on-site landscaping.

3. Nothing in this section prohibits tree pruning to promote the health of a tree or for public safety purposes.

B. Significant Tree Preservation

1. A significant tree is any tree that measures 32 inches or more in diameter at four and one-half feet above the ground. No significant tree may be removed without the permission of the City Forester.

2. Any person wishing to remove a significant tree shall file a request with the City Forester. In order to grant permission to remove a significant tree, the City Forester shall make one or more of the following findings within 30 days of receipt of the request:

   a. The tree is in poor health or diseased with an expected life span less than two years.

   b. The removal of the tree is unavoidable because the tree poses a danger to human health, safety, and welfare.

3. Any person who removes a significant tree without prior permission from the City Forester or causes the death of a significant tree through negligent construction practices or other means, as determined by the City Forester, is subject to a one-time fine equivalent to the value of the tree. The tree value is established using the Trunk Formula Method set forth in the latest edition of "Guide for Plant Appraisal," authored by the Council of Tree and Landscape Appraisers, or the maximum fine allowed by Rhode Island General Laws, whichever is greater. Fines will be held by the Parks Department for forestry-related uses as determined by the City Forester.

C. Required Tree Canopy

1. Required Tree Canopy Percentage

Sufficient trees shall be retained and/or planted on a lot so that the square footage of vegetative canopy of such trees, when mature, equals a certain percentage of the square footage of the lot. This required percentage is established by district as follows:

a. All residential districts, and the PS, OS, and CD Districts: 30% of the square footage of the lot

b. I-1 and I-2 Districts: 30% of the square footage of the lot

c. D-1 District: 15% of the lot area not occupied by a structure

d. All other districts: 15% of the square footage of the lot

2. Calculation of Tree Canopy Coverage

The total canopy coverage for a lot is the sum of the canopy, at maturity, of the individual trees located on the lot. The square footage of canopy cover varies according to tree species. The City Forester maintains a list of trees species and the expected size of the canopy for each species, at maturity, when planted. Trees are classified as small, medium, or large and the canopy coverage credit for each classification is as follows:

a. Large: 1,000sf

b. Medium: 700sf

c. Small: 300sf

3. Tree Retention Bonus

Additional credit for canopy coverage may be granted for the retention of healthy trees of appropriate species and in the proper location, subject to the approval of the City Forester. The following thresholds and associated coverage bonus is as follows:

a. Tree diameter at four and one-half feet above the ground is between 10 and 19 inches: 300sf of canopy coverage credit

b. Tree diameter at four and one-half feet above the ground is 20 inches or greater: 700sf of canopy coverage credit

4. Street Tree Accommodation

Existing or planned street trees located in the public right-of-way directly adjacent to the lot line may be counted toward the canopy coverage for the lot.

5. Landscaping for Multiple Lots

For developments that encompass more than one lot, the percentage is calculated for the total canopy for the total area of all of the lots. For developments that span multiple blocks, the percentage required is calculated separately for each contiguous area of the development within a block.

6. Off-Site Planting Permission

Where existing conditions or other provisions of this Ordinance make it impracticable to meet the canopy coverage requirement on or adjacent to the site, the applicant shall plant sufficient trees to make up the shortfall in public rights-of-way within one-quarter mile of the lot, with the location to be determined by the City Forester.

1504 PARKING LOT PERIMETER LANDSCAPE STRIP

A perimeter landscape strip is required for all parking lots that abut a public right-of-way, excluding curb cuts, and shall be established along the edge of the parking lot that abuts such public right-of-way to screen the parking lot. The landscape treatment shall run the full length of the parking lot perimeter along the right-of-way. The landscape strip shall be improved as follows: (Figure 15-1)

A. The perimeter parking lot landscape strip shall be a minimum of five feet in depth. There shall be a minimum linear distance of six inches between wheels stops or curbs and the landscape strip to accommodate vehicle bumper overhang, which is not included in the minimum five foot calculation.

B. One shade tree shall be planted for every 25 feet of landscape strip length, spaced linearly.

C. The landscape strip shall also be planted over a minimum of 60% of its length with shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height.

D. Alternatively, a low fence or pedestrian wall a minimum of three feet to a maximum of four feet in height may be used instead of such plantings. Where feasible, plant materials shall be installed between the sidewalk and the wall to provide a softening effect on the fence or wall.

E. Where existing conditions or other provisions of this Ordinance make it impracticable to meet the perimeter landscape strip requirements, the City Forester may approve a modification to the width or location of the perimeter landscape strip, or the spacing or number of trees in the perimeter landscape strip, so long as there is no net loss of planted area or number of trees required.

F. The use of stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips. Landscaped areas should be designed for the absorption of stormwater.

FIGURE 15-1

1505 INTERIOR PARKING LOT LANDSCAPING

All parking lots consisting of 20,000 gross square feet or more require interior parking lot landscaping as described in this section. When the calculation of interior parking lot landscaping requirements results in a fraction, said fraction is rounded up. (Figure 15-2)

A. One parking lot island shall be provided between every ten parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount required of one island for every ten spaces.

B. In addition to parking lot islands, additional landscape areas shall be provided within the interior of parking lots. The minimum total landscape area of a parking lot, including parking lot islands, shall be 10% of the total parking lot area. Parking lot perimeter landscaping is excluded from the calculation of total parking lot area.

C. All rows of parking spaces shall terminate in a parking lot island or landscaped area.

D. Parking lot islands shall be the same dimension as the parking stall at a minimum. Double rows of parking shall provide parking lot islands that are the same dimension as the double row.

E. A minimum of one shade tree shall be provided for every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required..

F. The use of stormwater management techniques such as rain gardens and bioswales is encouraged in landscaped areas. Parking lot islands and landscaped areas should be designed for the absorption of stormwater.

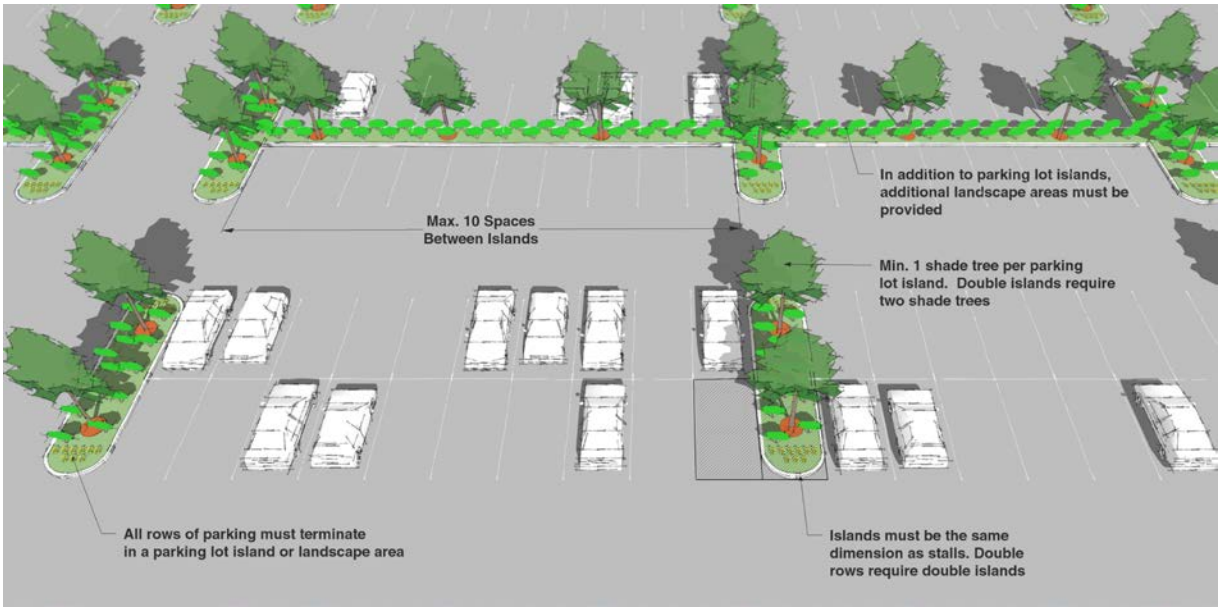
G. Where existing conditions or other provisions of this Ordinance make it impracticable to meet the interior parking lot landscaping requirements, the City Forester may approve a modification to the requirements so long as there is no net loss of planted area or number of trees required.

FIGURE 15-2

1506 SCREENING OF PARKING LOTS FROM RESIDENTIAL DISTRICTS

Where a parking area in any district abuts a lot in a residential district, the parking area shall be screened by a solid wall, a uniformly painted tight board fence, or a hedge of compact evergreens or other suitable plantings. Such screen shall be at least four feet in height, and erected and maintained between the entire border of such parking area and the property in the residential district. (Figure 15-3)

FIGURE 15-3



1507 WATERBODY VEGETATIVE BUFFERS

A. Unless otherwise specified by the Rhode Island Coastal Resources Management Program Special Area Management Plan, a vegetated buffer a minimum of 25 feet in width is required adjacent to the entire length of any water body. This buffer area is measured from the water's edge or the inland edge of a coastal shoreline feature for tidal waterbodies, as defined by the Rhode Island Coastal Resources Management Program.

B. This buffer shall include trees and plant material that filter stormwater runoff and help to improve the quality of the water body.

C. No parking or structures are permitted within this buffer. However, paving for a walking path, bicycle path, or access to docks, piers, or beaches may be included within this buffer.

ARTICLE 16. SIGNS

1600 PURPOSE
1601 PERMITS AND APPROVALS REQUIRED
1602 ENFORCEMENT
1603 DESIGN AND CONSTRUCTION STANDARDS
1604 ILLUMINATION STANDARDS
1605 PROHIBITED SIGNS
1606 SIGNS AND ACTIVITIES EXEMPT FROM PERMIT REQUIREMENTS
1607 SIGNS REQUIRING PERMIT

1600 PURPOSE

The purpose of this Section is to establish a comprehensive system of sign controls governing the display, design, construction, installation, and maintenance of signs. The intent of these sign regulations is to:

A. Promote the public health, safety, and welfare and ease of travel.

B. Preserve locally recognized values of community appearance.

C. Protect public investment in and the character of public thoroughfares.

D. Aid in the attraction of tourists and other visitors.

E. Reduce hazards to motorists and pedestrians traveling on the public way.

1601 PERMITS AND APPROVALS REQUIRED

A. All signs that require a permit, as described in this Article, shall obtain a sign permit. The City may revoke any sign permit where there has been a violation of the provisions of this Ordinance or misrepresentation of fact on the permit application.

B. All signs placed within a public right-of-way require approval of a right-of-way encroachment permit (Sections 1303 and 1914).

C. All signs, including window signs, in a Historic District are subject to approval by the Historic District Commission.

D. All signs, including window signs, in the D-1 District are subject to approval by the Downtown Design Review Committee, I-195 Redevelopment District Commission, or Capital Center Commission, as applicable. The Downtown Design Review Committee and the I-195 Redevelopment District Commission may grant a waiver to sign regulations as part of their review and approval, which includes permissions for moving or animated signs.

1602 ENFORCEMENT

A. Any sign placed on public property or within a public right-of-way or public easement without authorization or without a required sign permit may be removed without notice.

B. If a sign is constructed illegally, either without a required permit or in violation of this section or previous sign regulations, the City may serve notice to the property owner that such sign shall be removed or the violation corrected within 30 days of notice. If the sign is not removed or the violation is not corrected within 30 days, the City may remove the sign at the property owner's expense.

1603 DESIGN AND CONSTRUCTION STANDARDS

All signs constructed, erected, modified, or altered shall comply with the provisions of this Ordinance and the requirements of the Code of Ordinances. All sign dimensions are measured in accordance with the rules of Section 202.

A. Prohibited Sign Locations

1. No sign may be erected in a location that violates the building code, fire code, or other applicable regulations.

2. No sign, other than that placed by agencies of government or a sign whose placement is authorized by this section or the City, may be erected on public property.

3. No sign may be erected on private property without prior consent of the property owner.

4. No sign may be erected in a manner that obstructs access to any ingress or egress, fire escapes, or standpipes.

5. Signs shall be installed as to avoid obstruction of or permanent damage to significant architectural features.

B. Construction Standards

1. Supports and braces shall be designed as an integral part of the overall sign design and hidden from public view to the extent technically feasible.

2. All signs attached to a building shall be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials.

3. All signs shall be designed and constructed in accordance with building and fire codes.

4. Glass forming any part of a sign shall be safety glass.

5. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built into or attached to the sign structure.

6. Audio components are prohibited on any sign, with the exception of menuboards. For menuboards, the audio component is limited to communication between customer and service.

7. All signs shall be fastened to masonry buildings so to be removable without leaving significant damage to the building façade. Attachments should be made at mortar joints, not at the surface of masonry units.

C. Electrical Wiring

1. All electrical fixtures, devices, circuits, conduits, raceways or apparatus used to illuminate, move or project any sign shall be installed and maintained in accordance with the building code and the electrical code. Electrical permits are required for signs with an electrical component.

2. Conduits and other components of a sign illumination system shall be designed as an integral part of the overall sign structure and hidden from public view to the extent technically feasible.

D. Sign Copy

1. All sign copy shall relate to the name or nature of the business or establishment on the site. This does not apply to non-commercial messages.

2. A noncommercial message may be substituted for a commercial message on any sign permitted by this Ordinance.

3. Items of information are limited to a maximum of six items per sign face. Items of information are calculated as follows:

a. Each piece of information on a sign is defined as an item of information. For example, each of the following is defined as one item of information: establishment name, logo, telephone number, website address, or product or service. A street address number, if included in the sign copy, is not counted as an item of information.

b. If a sign advertises products or services, each product or service, including multi-word, is considered one item of information. Where multiple products are identified on a menu board or sidewalk sign, the list of products is considered one item of information.

c. A sign used to identify the tenants within a multi-tenant non-residential development is limited to one item of information per tenant within the development, in addition to the name and address of the development. The sign may exceed six items of information.

d. The message area of a changeable or electronic message display, on which information is changed manually or digitally, is counted as one item of information.

e. Directory signs, menuboards, and A-frame signs are exempt from the items of information limitation.

E. Required Maintenance

1. All signs shall be maintained in a safe, neat, and orderly condition and appearance, and shall be repainted or otherwise maintained by the property owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.

2. All signs shall be maintained to prevent any kind of safety hazard, including faulty sign structures, a fire hazard, or an electrical shock hazard.

3. All unused sign hardware or wiring that is visible from the right-of-way shall be removed.

4. If a sign is maintained in an unsafe or unsecured condition, the City may serve notice to the property owner that such sign shall be removed or the condition corrected within 30 days of notice. If the sign is not removed or the condition is not corrected within 30 days, the City may remove the sign at the property owner's expense. The City may remove any sign that is an immediate peril to persons or property summarily and without notice.

1604 ILLUMINATION STANDARDS

A. Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, shall be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, or the distraction of motor vehicle operators or pedestrians in the public right-of-way.

B. The sign face of internally illuminated signs shall function as a filter to diffuse illumination. The sign face shall cover all internal illumination components so that no exposed bulbs or lighting components are visible.

C. All external illumination of a sign shall concentrate the illumination upon the printed area of the sign face.

D. The intensity of sign illumination shall meet the requirements for exterior lighting in Section 1301. For electronic message signs, the maximum brightness is limited to 5,000 nits during daylight hours, and 500 nits between dusk to dawn. The sign shall have an automatic dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise.

E. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.

F. The use of neon, LED lighting, or exposed bulbs that are designed as an integral part of the sign are permitted as a sign material or sign accent only in the non-residential districts. When lit, lighting shall be continuously illuminated. Flashing neon, flashing LED lighting, or flashing exposed bulbs are prohibited. Neon, LED lighting, or exposed bulbs to outline doors and windows are prohibited.

G. In the D-1 District and ES Overlay District, signs may be externally illuminated. Internally illuminated signs in the D-1 District and ES Overlay District are prohibited with the exception of the following types:

1. Reverse channel. A method of illumination that casts a shadow of lettering or a logo on the face to which it is mounted.

2. Stencil or channel-cut. A method of illumination that lights lettering or a logo and does not light the remaining face of the sign.

3. Halo. A method of illumination that produces a halo of light surrounding lettering or a logo without illuminating the surface to which it is mounted.

1605 PROHIBITED SIGNS

The following sign types are prohibited:

A. Abandoned signs and sign structures.

B. Balloon and air-infused/air-inflated signs.

C. Flashing or animated signs, except by waiver in the D-1 zone. This excludes permitted electronic message signs.

D. Illegally-affixed signs and snipe signs.

E. Moving signs, including signs intended or designed to be moved by wind or other natural elements. Clocks and barber poles are exempt from this provision.

F. Off-premise signs, both permanent signs (also known as billboards) and temporary off-premise signs. This prohibition does not include signs placed on public transit stations, bike-sharing stations, or car-share facilities when such signs are placed by the sponsors of such facilities. This prohibition does not include political/noncommercial message signs.

G. Portable signs. Portable signs include both signs mounted on a wheeled structure and those mounted on a stationary structure that can be moved and is not permanently installed on a site.

H. Strobe lights, moving or fixed spotlights, and floodlights.

I. Traffic hazard signs. Any sign that constitutes a traffic hazard is prohibited, including signs that:

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, or amber color to resemble a traffic signal.

2. Make use of the words STOP, LOOK, DETOUR, DANGER, CAUTION, WARNING, or any other word, phrase, symbol, or character in a manner that misleads, interferes with, or confuses traffic.

J. Vehicle signs. Signs placed or painted on parked vehicles where the primary purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited. Signs painted on vehicles, trucks, or buses, which are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted, provided that the primary purpose of such vehicles is not the display of signs, and that they are parked or stored in areas related to their use as vehicles and all vehicles are in operable condition. Vehicle for-sale signs are exempt from this provision.

K. In the D-1 District, cabinet box wall signs and cabinet box projecting signs are prohibited.

1606 SIGNS AND ACTIVITIES EXEMPT FROM PERMIT REQUIREMENTS

The following signs and activities do not require a permit, but shall still follow the applicable requirements of this section and this Ordinance. No sign may be illuminated unless specifically allowed by this section. No sign may encroach into the public right-of-way unless permitted by this section and obtaining approval of an encroachment permit.

A. Alteration and Maintenance Operations

The following activities are exempt from the permit requirement:

1. Painting, repainting, cleaning, changing permitted items of information, or other normal maintenance and repair of a sign, not involving structural alterations are exempt from permit requirements. Repairs to existing illumination components are also exempt from permit requirements, including changes to type of illumination, for example, from fluorescent lighting to LED lighting.

2. Changing the message of an existing changeable message sign or electronic message sign.

3. Changing the sign face within an existing legal sign structure, provided no alterations are made to the sign structure and the sign area, sign height, or any other dimension of the sign.

B. A-Frame Signs

1. A-frame signs are permitted for non-residential uses within the non-residential districts.

2. One A-frame sign is permitted per establishment. A minimum 20 foot separation is required between all A-frame signs.

3. An A-frame sign shall be placed within 15 feet of the primary entrance of the business, and shall not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes. A-frame signs may be placed in the public right-of-way but shall maintain a five foot sidewalk clearance at all times and require a right-of-way encroachment permit (Section 1914).

4. A-frame signs are limited to six square feet in area per side and four feet in height.

5. The use of A-frame signs is limited to business hours only. Signs shall be stored indoors at all other times. A-frame signs shall not be used outdoors when high winds or heavy snow conditions exist.

C. Attention Getting Devices

1. Attention getting devices are permitted for non-residential uses in the C-1, C-2, and C-3 Districts.

2. Attention getting devices are limited to a maximum of one per lot, a maximum of eight feet in height and ten square feet in area, and shall be located a minimum of five feet from a lot line.

3. Attention getting devices are not permitted in the public right-of-way.

4. Attention getting devices may be erected on a lot for no more than 30 days in a single display period, with a maximum of three display periods in a calendar year with a minimum of 30 calendar days between each display period.

D. Banners

1. Banners are permitted for all non-residential uses.

2. A maximum of one banner is permitted per structure.

3. Banners are limited to 32 square feet in area.

4. Banners are limited to the following display periods:

   a. When related to a time-specific event: A combined display period of seven days prior to the event, the time period of the event, and two days following the event.

   b. When not related to a time-specific event: Ten days.

   c. A maximum of five display periods per calendar year with a minimum of 30 days between displays.

E. Construction Signs

1. Construction signs are permitted in all districts.

2. A maximum of one construction sign per street frontage for an on-premises construction project is permitted.

3. The construction signs are limited to 32 square feet in area and six feet in height if freestanding, with the exception of a construction sign in a residential district, which is limited to 12 square feet in area. Freestanding construction signs shall be set back ten feet from any lot line.

4. Construction signs may be erected only after approval of a building permit, and shall be removed within 60 days of completion of construction.

F. Directory Signs

1. Directory signs are permitted in all districts for any multi-tenant development.

2. A maximum of one building directory sign is permitted per public entrance.

3. A building directory sign shall be wall-mounted and is limited to six square feet in area.

4. A building directory sign may be externally illuminated.

G. Government Signs

Signs placed or authorized by a government agency, including, but not limited to, traffic signs and signals, legal notices, railroad crossing signs, or signs regulating the traffic of, or giving information to, motorists, transit riders, cyclists, or pedestrians, are permitted in any number, configuration, or size in any district. Such signs may be illuminated as required by the agency.

H. Holiday Decorations

Temporary holiday decorations are permitted in all districts. Temporary holiday decorations may be internally or externally illuminated but shall comply with the lighting standards of Section 1301.

I. Home Occupation Signs

1. Home occupation signs are permitted for all residential uses with a home occupation on the premises.

2. A maximum of one home occupation sign is permitted per home occupation.

3. The home occupation sign shall be wall-mounted and is limited to two square feet in area.

J. Memorial Plaques

1. Memorial plaques commemorating a historical person, event, structure, or site are permitted in any district.

2. A memorial plaque may be freestanding or wall-mounted and is limited to six square feet in area. A freestanding memorial plaque is limited to four feet in height.

3. External illumination of a memorial plaque is permitted.

K. Nameplates

1. A maximum of one nameplate indicating the name and address of a building or occupant is permitted per dwelling for all residential uses.

2. The nameplate shall be wall-mounted and no more than two square feet in area.

L. Parking Lot Signs

1. Parking Lot Directional Signs

a. Parking lot directional signs are permitted for each entrance/exit, driveway intersections, drive-through lanes, and similar circulation points for any parking lot, whether a principal or ancillary use.

b. Parking lot directional signs are limited to four square feet in area.

c. A freestanding parking lot directional sign is limited to four feet in height and shall be three feet from any lot line.

d. Parking lot directional signs may be internally or externally illuminated.

2. Parking Lot Information Signs

a. Parking lot information signs providing information on the operation of a parking lot, such as "No Parking" or "Unauthorized Users Shall Be Towed," are permitted as needed for any parking lot, whether a principal or ancillary use.

b. Parking lot information signs are limited to ten square feet in area.

c. Freestanding signs are limited to six feet in height and shall be three feet from any lot line.

M. Political/Noncommercial Message Signs

1. Political/noncommercial message signs are permitted in all districts.

2. Political/noncommercial message signs in residential districts are limited to 16 square feet in area on each side. Political/noncommercial message signs in all other districts are limited to 30 square feet in area on each side.

3. Political/noncommercial message signs shall be posted on private property only, and only with the permission of the property owner.

N. Property Identification Signs

1. A maximum of one property identification sign identifying the property management company is permitted per building in all districts.

2. A property identification sign shall be wall-mounted and is limited to two square feet in area.

O. Real Estate Signs

1. A maximum of one real estate sign is permitted per street frontage in all districts.

2. Real estate signs may be wall-mounted or freestanding. If freestanding, real estate signs are limited to six feet in height.

3. Real estate signs are limited in area and display as follows:

   a. Within all residential districts and the W-1 District, real estate signs are limited to a maximum of six square feet in area and shall be removed within 14 days of the real estate closing or lease transaction.

   b. Within all commercial districts, real estate signs are limited to a maximum of 12 square feet in area and shall be removed within 30 days of the real estate closing or lease transaction.

   c. Within all downtown, industrial, and institutional districts and the W-2 and W-3 Districts, real estate signs are limited to a maximum of 32 square feet in area and shall be removed within 30 days of the real estate closing or lease transaction.

P. Scoreboards

Scoreboards, which record and display the score of a game, and may include such information as the name of the field or home team and advertising are permitted for all recreational fields. The score-keeping portion of the scoreboard may utilize an electronic message component.

Q. Window Signs

1. Window signs are permitted for all non-residential uses in all districts.

2. All window signs, whether temporary or permanent, are limited to no more than 25% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.

3. Window signs that are internally or externally illuminated require a permit. Neon and LED window signs are permitted only in the commercial, waterfront, and downtown districts.

R. Yard Sale Signs

1. Yard sale signs are permitted for all residential uses when a yard sale is taking place on the property.

2. No yard sale signs are permitted in the public right-of-way.

3. Yard sale signs are limited to 12 square feet in size.

4. Two yard sale signs are permitted per lot.

5. Yard sale signs shall be posted no earlier than 48 hours prior to the event and all signs shall be removed within 24 hours after the event.

1607 SIGNS REQUIRING PERMIT

The following signs require a permit. No sign may be illuminated unless specifically allowed by this section. No sign may encroach into the public right-of-way unless permitted by this section.

A. Awning Signs

(Figure 16-1)

1. Multi-family dwellings and non-residential uses are permitted awning signs. In the D-1 District, awnings are limited to a maximum sign area of two square feet of sign area for every one foot of lineal building frontage.

2. Awning signs shall maintain a minimum vertical clearance of seven feet six inches.

3. Awning signs may encroach into the public right-of-way but shall be located at least two feet from the curb line. In the D-1 District, awnings are permitted to be located at least six inches from the curb line.

4. Awning signs shall be made of a durable, weather-resistant material such as canvas, canvas-like material, fire-resistant acrylic, or metal.

5. Printing on any awning sign is limited to 25% of the surface area.

6. Awning signs are permitted lettering attached to and located above the top of a solid awning to a maximum height of 24 inches.

7. Awning signs may be externally illuminated and shall be focused on the printed area.

8. Back-lit and waterfall awnings are prohibited. Dome awnings are permitted only over building entryways.

9. Under-awning signs are permitted subject to the following:

a. Under-awning signs shall be attached to the underside of an awning. Under-awning signs shall not project beyond the awning. Under-awning signs are also permitted to be mounted under galleries or arcades.

b. Under-awning signs shall maintain a minimum vertical clearance of seven feet.

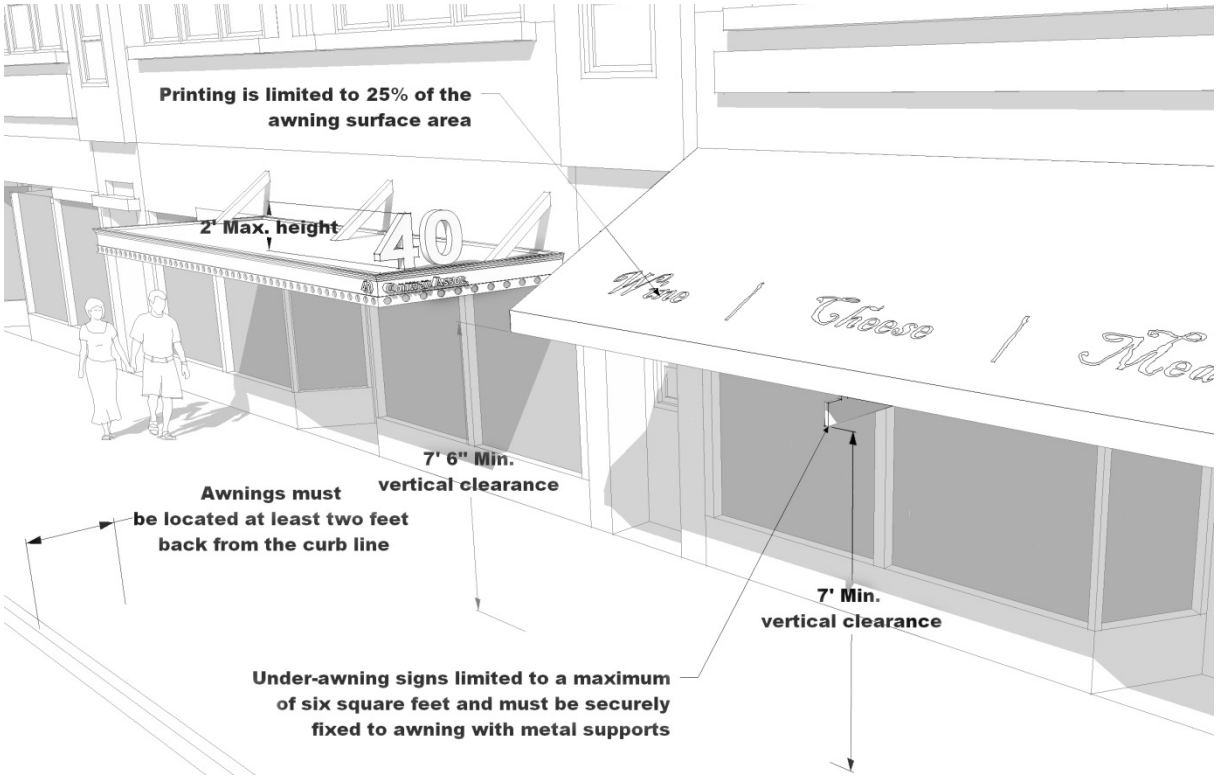
c. A maximum of one under-awning sign is permitted per business establishment with frontage on the street where the awning is mounted.

d. Under-awning signs are limited to a maximum of six square feet.

e. Under-awning signs shall be securely fixed to the awning with metal supports.

f. Under-awning signs shall be made of wood, metal, or plastic.

FIGURE 16-1



B. Banners - Exhibition

(Figure 16-2)

1. Exhibition banners are permitted for any educational facility, government building, or cultural facility.

2. Each structure is permitted up to eight exhibition banners during one display period. The display period is defined as the combined period of 45 days prior to the opening of the exhibit, the run of the exhibit, and 14 days following the close of the exhibit.

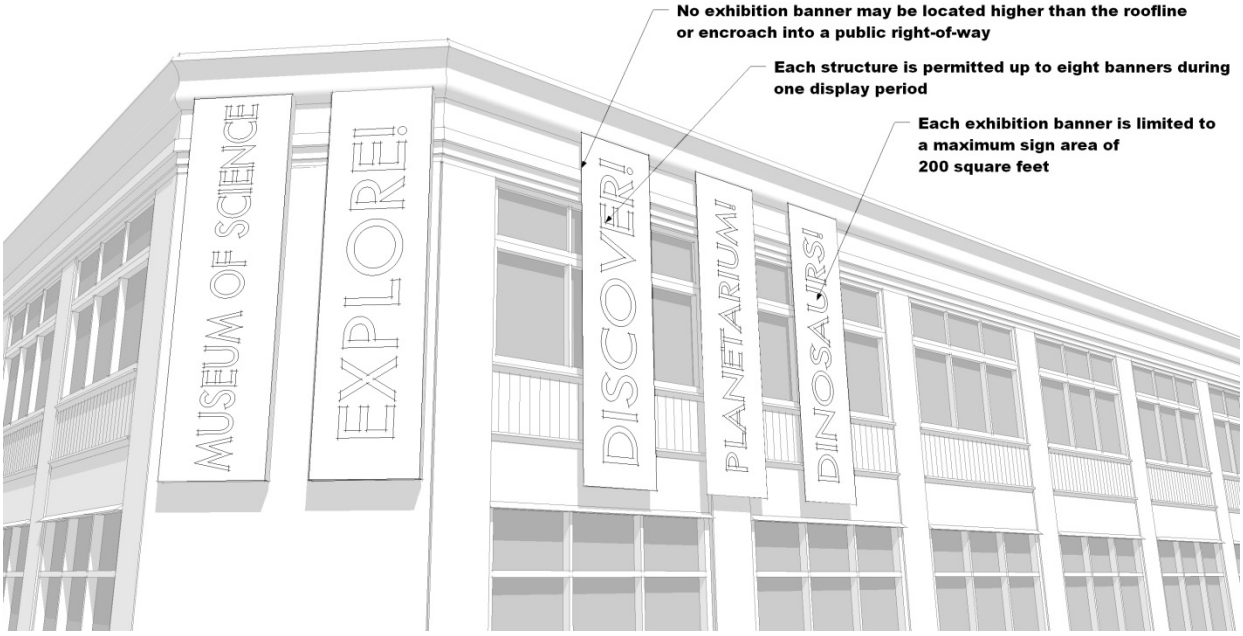
3. Exhibition banners shall be made of a durable, weather-resistant material like canvas or fire-resistant acrylic.

4. Each exhibition banner is limited to a maximum sign area of 200 square feet.

5. Exhibition banners shall be securely and tautly attached to the wall of the structure. No exhibition banner may be located higher than the roofline or encroach into the public right-of-way.

6. Exhibition banners may be externally illuminated and shall be focused on the printed area.

FIGURE 16-2



C. Canopy Signs

(Figure 16-3)

1. Multi-family dwellings and non-residential uses are permitted canopy signs. In the D-1 District, canopies are limited to a maximum sign area of two square feet of sign area for every one foot of linear building frontage.

2. Canopy signs shall maintain a minimum vertical clearance of seven feet six inches feet.

3. Canopy signs may encroach into the public right-of-way but shall be located at least two feet from the curb line. In the D-1 District, canopies are permitted to be located at least six inches from the curb line

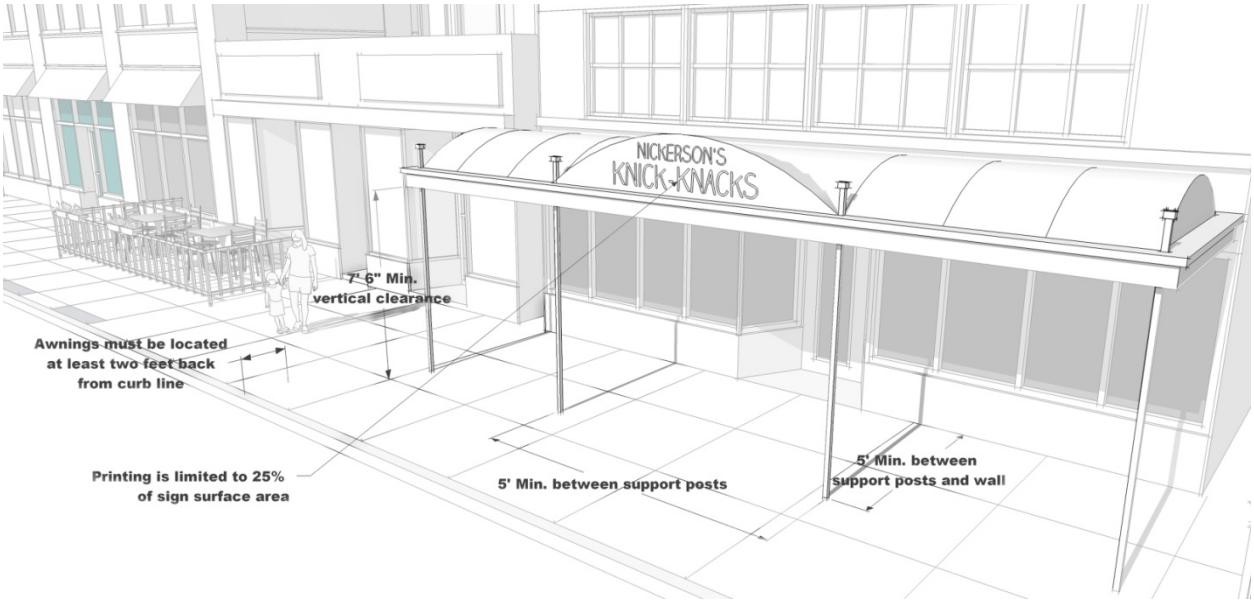
4. Support posts shall maintain a minimum separation of five feet between posts and between the posts and any building wall.

5. Canopy signs shall be made of a durable, weather-resistant material such as canvas, canvas-like material, fire-resistant acrylic, or metal.

6. Printing on any canopy sign is limited to 25% of that surface area.

7. Canopy signs may be externally illuminated and shall be focused on the printed area.

FIGURE 16-3



D. Electronic Message Signs

1. Electronic message signs are permitted for any educational facility, place of worship, and any government facility including public safety facilities, public works facilities, and parks/playgrounds in any district. Electronic message signs are also permitted in the C-3 District.

2. Only one electronic message sign per lot is permitted.

3. Each message or image displayed on an electronic message sign shall be static for a minimum of eight seconds. Any scrolling, flashing, animation, or movement of the message is prohibited.

4. Electronic message signs are permitted as part of a freestanding sign, wall sign, or marquee and are subject to the requirements for those sign types. Electronic message signs shall be integrated into the larger sign structure. Electronic message signs are limited to a maximum of 70% of the sign area of a freestanding or wall sign.

5. Electronic message signs cannot display any off-premises commercial advertising. Electronic display screens are prohibited.

E. Freestanding Signs

(Figure 16-4)

1. Freestanding signs are permitted as indicated in Table 16-1: Freestanding Sign Regulations.

2. Only one freestanding sign is permitted per street lot line. The street lot line shall be a minimum of 50 feet in length in order to install a freestanding sign.

3. No part of a freestanding sign may project into, over, or otherwise encroach on a public right-of-way.

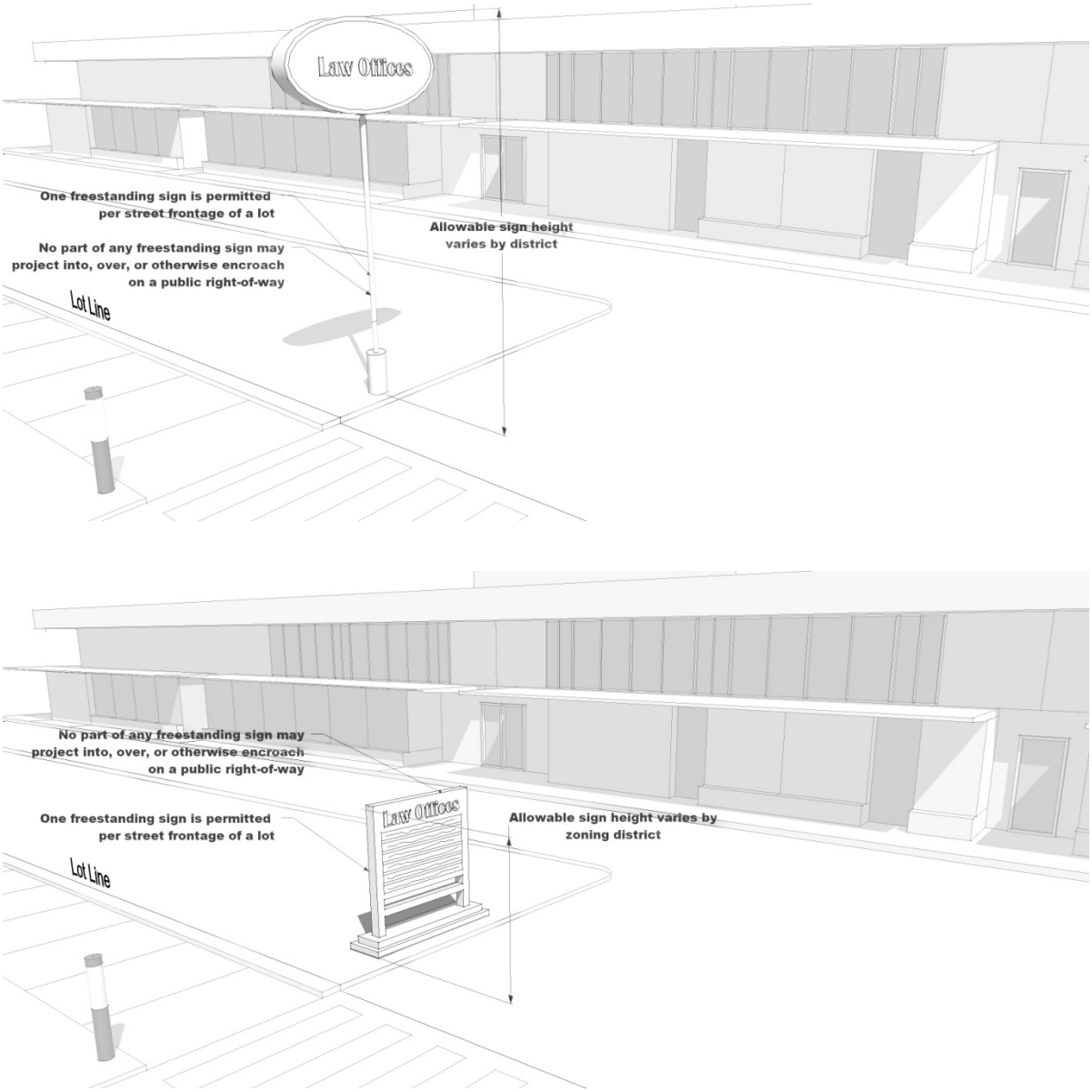
4. No temporary signs may be attached to the pole or base of a freestanding sign. The base or pole shall not be wrapped in any decorative material that is not an integral part of the pole structure.

5. Freestanding signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.

TABLE 16-1: FREESTANDING SIGN REGULATIONS

District	Additional Controls	Maximum Sign Area Per Sign	Maximum Sign Height
R-1A	Permitted for institutional uses only	16sf	6’
R-1	Permitted for institutional uses only	16sf	6’
R-2	Permitted for institutional uses only	16sf	6’
R-3	Permitted for institutional uses only	16sf	6’
R-4	Permitted for multi-family & institutional uses only	16sf	6’
R-P		16sf	6’
C-1		20sf	15’
C-2		20sf	15’
C-3		60sf	20’
D-1		Prohibited	
M-MU		60sf	20’
M-1		60sf	20’
M-2		60sf	20’
I-1		20sf	15’
I-2		20sf	15’
W-2		60sf	20’
W-3		60sf	20’
OS		16sf	6’
PS		16sf	6’
CD		16sf	6’

FIGURE 16-4


Law Offices
One freestanding sign is permitted per street frontage of a lot
No part of any freestanding sign may project into, over, or otherwise encroach on a public right-of-way
Allowable sign height varies by district
Lot Line
No part of any freestanding sign may project into, over, or otherwise encroach on a public right-of-way
Law Offices
One freestanding sign is permitted per street frontage of a lot
Allowable sign height varies by zoning district
Lot Line

F. Marquee Signs

(Figure 16-5)

1. Marquees are permitted for non-residential uses in the C-2, C-3, D-1, M-MU, and W-2 Districts.

2. Marquees shall be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.

3. The roof of a marquee shall not be used for any purpose other than to form and constitute a roof and shall be constructed of noncombustible material.

4. Water from the roofs of a marquee shall not drain, drip or flow onto the surface of a public right-of-way. Sufficient downspouts, drains and gutters shall be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public right-of-way.

5. Marquees shall be erected over a building entrance and are limited to the width of the building entrance. An additional five feet on each side of the entrance doors covered by the marquee is permitted.

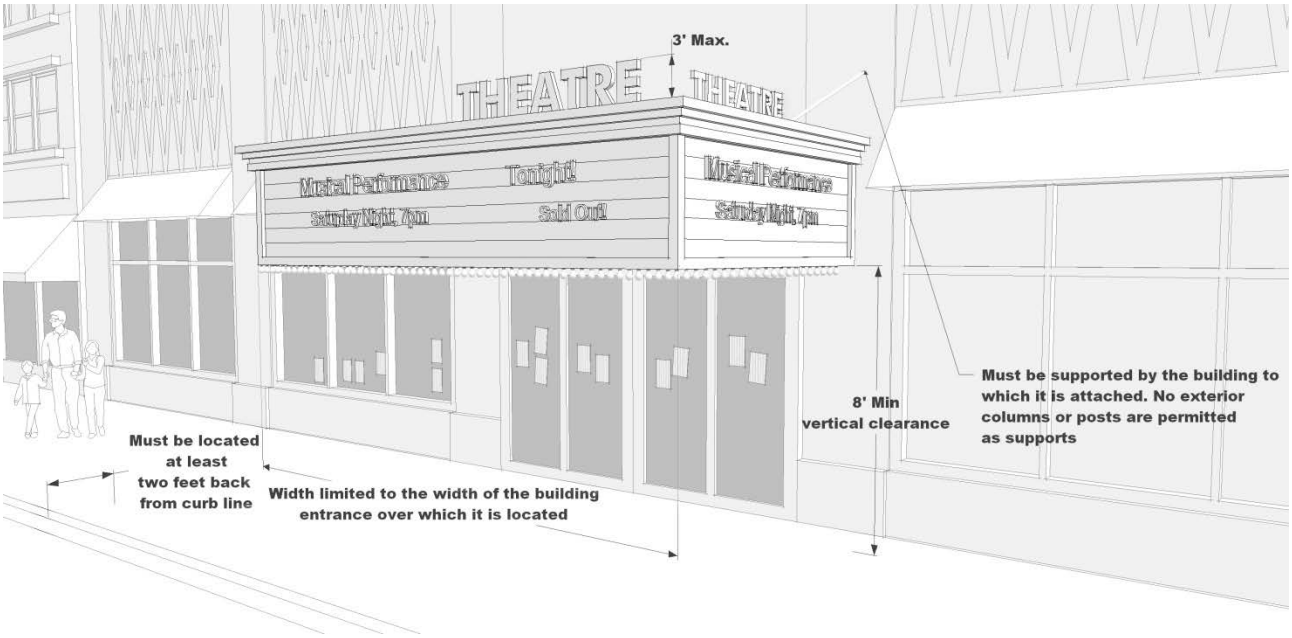
6. All marquees shall maintain a minimum vertical clearance of eight feet and the roof of the marquee structure shall be erected below the second floor window sill.

7. Marquees may encroach into the public right-of-way but shall be located at least two feet from the curb line.

8. Marquees are permitted lettering attached to and located above the roof of a marquee to a maximum height of 36 inches.

9. Marquees may be internally illuminated.

FIGURE 16-5



G. Menuboard Signs

(Figure 16-6)

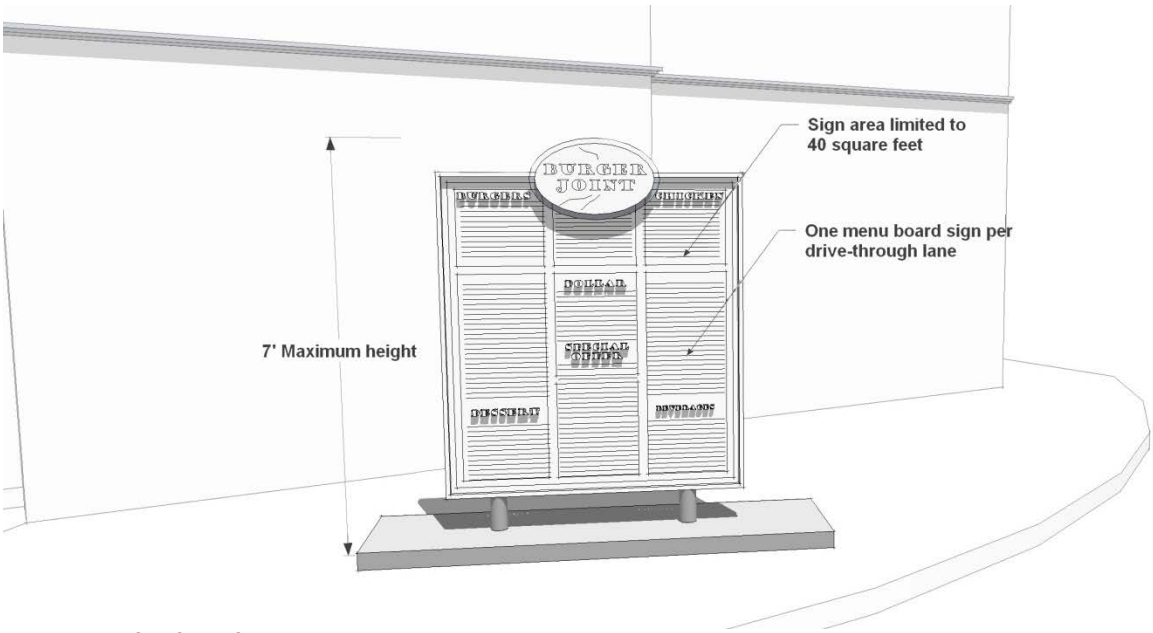
1. Drive-through establishments are permitted one menuboard per drive-through lane.

2. Menuboards shall be constructed as freestanding sign. Menuboards are limited to 40 square feet in sign area and seven feet in height.

3. Menuboards shall be located a minimum of 15 feet from any lot line.

4. Menuboards may be internally illuminated.

FIGURE 16-6



H. Projecting Signs

(Figure 16-7)

1. Projecting signs are permitted as indicated in Table 16-2: Projecting Sign Regulations.

2. One projecting sign is permitted per each façade of an establishment. Projecting signs shall be above or adjacent to the building entrance.

3. Projecting signs may encroach into the public right-of-way but shall be located at least two feet from the curb line.

4. Projecting signs shall maintain a minimum vertical clearance of eight feet. No projecting sign affixed to a building may project higher than the building height, including the sign support structure.

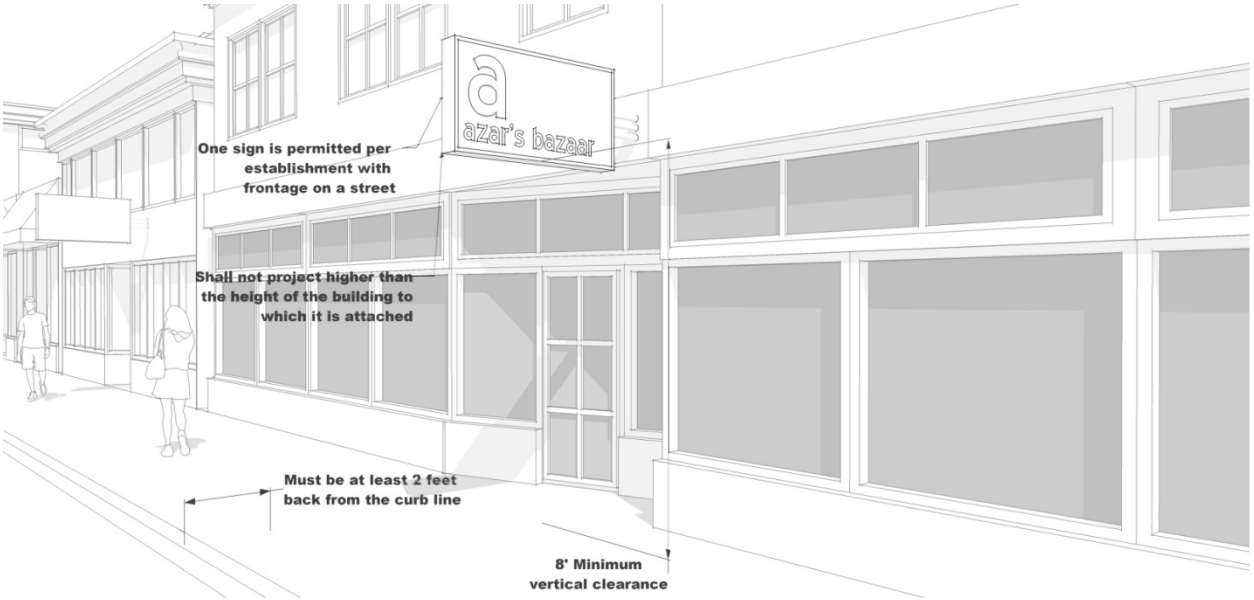
5. No projecting sign may be secured or hung to any other sign.

6. Projecting signs shall be constructed of wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, or plastic. Projecting signs constructed of material shall be mounted so that they are held taut between support posts.

7. Projecting signs may be internally or externally illuminated. If externally illuminated, all lighting shall be directed onto the sign face from above.

TABLE 16-2: PROJECTING SIGN REGULATIONS	
District	Maximum Sign Area Per Sign
R-1A	Prohibited
R-1	Prohibited
R-2	Prohibited
R-3	Prohibited
R-4	Prohibited
R-P	12sf
C-1	20sf
C-2	20sf
C-3	32sf
D-1	48sf
M-MU	48sf
M-1	48sf
M-2	48sf
I-1	32sf
I-2	32sf
W-2	32sf
W-3	48sf
OS	12sf
PS	12sf
CD	12sf

FIGURE 16-7



I. Roof Signs

(Figure 16-8)

1. Roof signs are permitted in the following districts: D-1, M-MU, M-1, M-2, and W-3 Districts.

2. Roof signs are limited to a maximum sign area of 200 square feet in the M-MU, M-1, M-2, and W-3 Districts, and 128 square feet in the D-1 District. Roof signs are limited to a maximum height of 12 feet, as measured from the roof of the structure to the highest point of the sign, including sign structure.

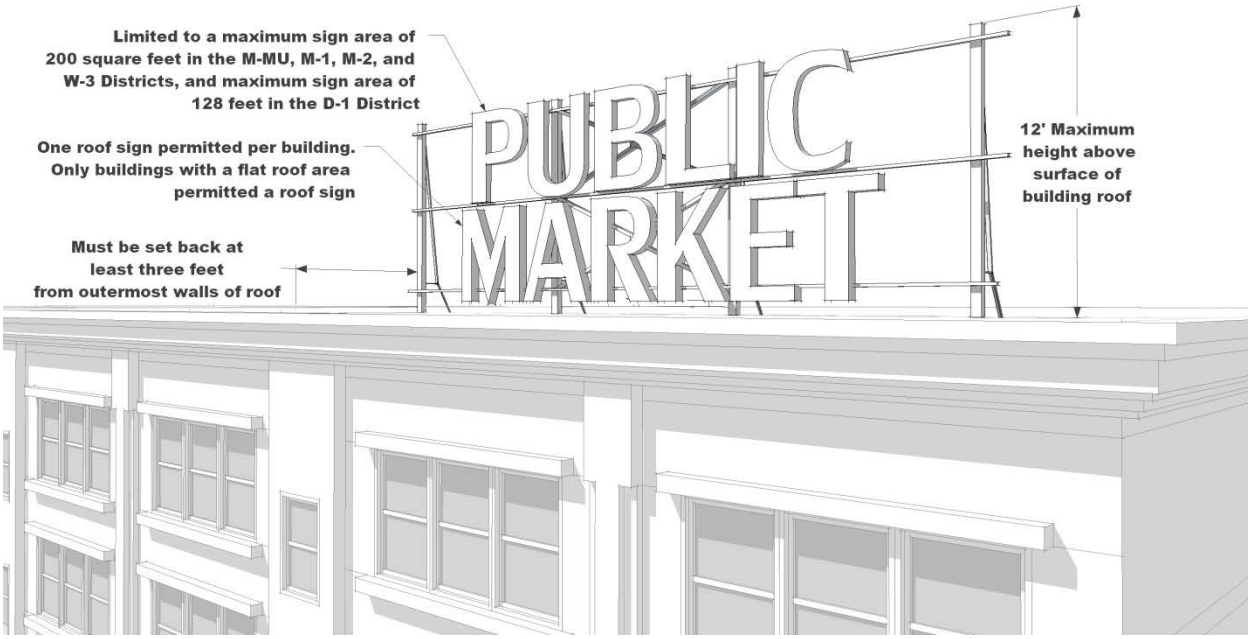
3. A maximum of one roof sign is permitted per building. Only buildings with flat roofs are permitted a roof sign.

4. A roof sign shall be set back at least three feet from the outermost walls of the roof.

5. Roof signs shall be safely and securely attached to the roof structure and shall not interfere with any roof access points.

6. Roof signs may be internally or externally illuminated and include neon or LED components.

FIGURE 16-8



J. Temporary Pole Signs

1. Temporary pole signs are permitted to for all non-residential uses in all districts.

2. Temporary pole signs are limited to 24 square feet in area and six feet in height.

3. All temporary pole signs shall be set back ten feet from any lot line.

4. Temporary pole signs are limited to a display period of 30 days and shall be removed within two days after the event. Temporary pole signs may be erected on a zoning lot no more than three times in a year with a minimum of 30 days between events.

5. Only one temporary pole sign may be displayed on a lot at any one time.

K. Wall Signs

(Figure 16-9)

1. Wall signs are permitted for non-residential uses in all districts.

2. The maximum size of all wall signs for a building wall is established at two square feet per linear foot of building wall where the wall signs will be mounted.

3. An additional wall sign to identify the building may be placed within the top 20 feet of the structure. The sign may not cover any fenestration or architectural features. The maximum size is established at three square feet per linear foot of building façade, measured at the roofline where the wall sign will be mounted.

4. Wall signs may be internally or externally illuminated. If externally illuminated, all light shall be directed onto the sign face.

5. Wall signs shall be safely and securely attached to the building wall. Wall signs shall be affixed flat against the wall and shall not project more than 15 inches from the building wall. Wall signs shall not encroach into the public right-of-way for more than 15 inches.

6. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.

7. Wall signs shall be constructed of wood, brick, metal, or plastic.

8. Wall signs are permitted on architectural appurtenances, such as chimneys or penthouses, which are part of the structure.

9. Ghost signs are considered wall signs. Existing ghost signs are exempt from these requirements and deemed conforming, including prohibitions on illegally affixed and snipe signs in Section 1605. Ghost signs may be maintained and repainted but no new information or images may be added to the existing sign.

FIGURE 16-9

L. Window Signs

(Figure 16-10)

1. Window signs are permitted for all non-residential uses in all districts.

2. All window signs, whether temporary or permanent, are limited to no more than 25% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.

3. Window signs that are internally or externally illuminated require a permit. Neon and LED window signs are permitted only in the commercial, waterfront, and downtown districts.

FIGURE 16-10

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
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

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.

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 development plan review 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

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 following powers, pursuant to this Ordinance:

A. To make final decisions on staff level development plan review applications.

1709 DIRECTOR OF THE DEPARTMENT OF INSPECTION AND STANDARDS

The Director of the Department of Inspection and Standards, or his/her designee, 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.

5. Filing Fees

An application to the Board for an appeal, variance, or special use permit shall be accompanied be a filing fee as set by the City Council, which shall be deposited with the City Collector. The fee includes the cost of recording decisions of the Zoning Board of Review. No part of the fee is returnable to the petitioner.

1715 DOWNTOWN DESIGN REVIEW COMMITTEE ORGANIZATION AND PROCEDURES

A. Organization

The Downtown Design Review Committee is established as a development plan review body 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. 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.

7. Filing Fees

Any application for Downtown Design Review Committee approval shall be accompanied by a filing fee as set by the Council, which shall be deposited with the City Collector. No part of said fee shall be refunded to the applicant.

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

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.

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 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 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, 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 withdrawl 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. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the City, then all fee requirements are waived. The filing fee is as established and modified, from time to time, in the Providence Code of Ordinances or as established on the application, unless specifically described 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.

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 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. Written notice, which may be a copy of the newspaper 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 prior to the hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles and shall:

   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 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 of 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 or certified 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.

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 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.

C. City Plan Commission Notice

When notice is required for a City Plan Commission meeting or hearing, such notice will be provided in accordance with the 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.

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 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.

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.

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 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 mail, all property owners abutting the property that is the subject of the modification request and publish in a newspaper of general circulation within the City that the modification will be granted unless written objection is received within 30 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 DEVELOPMENT PLAN REVIEW
1906 CITY PLAN COMMISSION DEVELOPMENT PLAN REVIEW
1907 DOWNTOWN DESIGN REVIEW COMMITTEE DEVELOPMENT PLAN REVIEW
1908 ES OVERLAY DISTRICT DEVELOPMENT PLAN REVIEW
1909 CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT REVIEW
1910 INSTITUTIONAL MASTER PLAN 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 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 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 Zoning Board of Review. The findings and recommendations shall include a statement on the general consistency of the application with the goals and purpose of the Comprehensive Plan. The written report must be submitted to the Zoning Board of Review within 30 days of the Department of Planning and Development staff's receipt of the application. The Zoning Board of Review will refer all petitions for special use permits to the Department of Planning and Development for written recommendations at least ten business days prior to the hearing. The Department's report shall be received by the Office of the Zoning Board of Review no later than one full business day prior to the date of the public hearing.

2. The Zoning Board of 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 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 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 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 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 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 to the Rhode Island Superior Court within 20 days after a decision is recorded and posted in the office of the City Clerk.

1902 VARIANCE

A. Authority

The Zoning Board of 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 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 Zoning Board of Review. The findings and recommendations shall include a statement on the general consistency of the application with the goals and purpose of the Comprehensive Plan. The report must be submitted to the Zoning Board of Review within 30 days of the Department of Planning and Development staff's receipt of the application. The Zoning Board of Review will refer all petitions for variances to the Department of Planning and Development for written recommendations at least ten business days prior to the hearing. The Department's report shall be received by the Office of the Zoning Board of Review no later than one full business day prior to the date of the public hearing.

2. The Zoning Board of 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 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 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. 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 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 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, 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 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 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 to the Rhode Island Superior Court within 20 days after a decision is recorded and posted in the office of the City Clerk.

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 10% 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.

d. The modification requested does not require a variance of a flood hazard requirement.

3. Upon an affirmative determination, the Director of the Department of Inspection and Standards will provide notice as required in Section 1801.

4. The modification will be granted unless written objection is received within 30 days of the public notice. If written objection is received within 30 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 30 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. 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.

D. Procedure

All land development projects 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 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 DEVELOPMENT PLAN REVIEW

A. Purpose

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

B. Authority

The Staff Level Development Plan Review Committee may approve a project subject to development plan review.

C. Applicability

1. The Staff Level Development Plan Review Committee reviews the following types of development:

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, 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.

2. The following types of development are not subject to 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.

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 DEVELOPMENT PLAN REVIEW

A. Purpose

The purpose of City Plan Commission Development Plan Review is to review proposed developments to determine compliance with this Ordinance.

B. Authority

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

C. Applicability

1. The City Plan Commission reviews the following types of development:

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.

D. Procedure

1. The City Plan Commission shall begin development plan review within 30 days of submittal of a complete application.

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 those 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 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 or its staff approves a development plan review application.

C. Applicability

1. The Downtown Design Review Committee 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.

b. Additions to existing buildings or appurtenances.

c. Major and minor alterations to existing buildings or appurtenances, including repair and rehabilitation of the exterior.

d. Demolition and removal of buildings or appurtenances.

e. Site work.

2. The Downtown Design Review Committee does not review 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.

3. 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.

4. No Downtown Design Review Committee or staff 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. 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 constriction. 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 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 may impose such conditions deemed necessary to carry out the purpose of the D-1 District.

b. Whenever an application requests a waiver to the regulations of this Section, a public hearing is required 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. 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.

F. Development Incentives

1. The Downtown Design Review Committee 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. 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 are 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 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 Supreme Court by writ of certiorari. The appeal 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 will review and make final decisions on written requests for zoning interpretations.

C. Procedure

1. The Director of the Department of Inspection and Standards reviews a written request for an interpretation 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.

2. If no written response is provided within the 15 day timeframe, the applicant has the right to appeal to the Zoning Board of Review for the interpretation.

D. Appeals

Any aggrieved person may appeal the decision of the Director of the Department of Inspection and Standards to the Zoning Board of Review within 20 days after a decision is rendered.

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 an appeals process where it is alleged there is error in any order, requirement, decision, or determination made by a decision making body under this ordinance.

B. Initiation

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 or interpretation of this Ordinance, may be taken by an aggrieved party.

C. Authority

The Zoning Board or Review makes final decisions on zoning appeal applications.

D. Procedure

1. All applications shall be submitted in accordance with Section 1800.

2. An appeal to the Zoning Board of Review shall be filed within 20 days of the recording of determination of the Director of the Department of Inspection and Standards or decision of the Downtown Design Review Committee or Historic District Commission. 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 determination or decision.

3. The appeal shall be filed with the officer or agency from whom the appeal is taken and also with the Zoning Board of Review a notice of appeal specifying the ground of the appeal. The officer or agency from whom the appeal is taken shall immediately transmit to the Zoning Board of Review all the papers 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

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

2000 GENERAL APPLICABILITY
2001 NONCONFORMING USE
2002 NONCONFORMING STRUCTURE
2003 NONCONFORMING LOT
2004 NONCONFORMING SITE ELEMENTS
2005 NONCONFORMING SIGNS

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 or increased in intensity. This includes expansion, extension, or relocation of a nonconforming use to any other structure on the lot, additional 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 land area through a 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 discontinued for a continuous period of one year, the nonconforming use is presumed abandoned and cannot be reestablished or resumed regardless of intent. Any subsequent use or occupancy of such land or structure shall comply with all regulations of the zoning district in which the structure or land is located.

2. 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

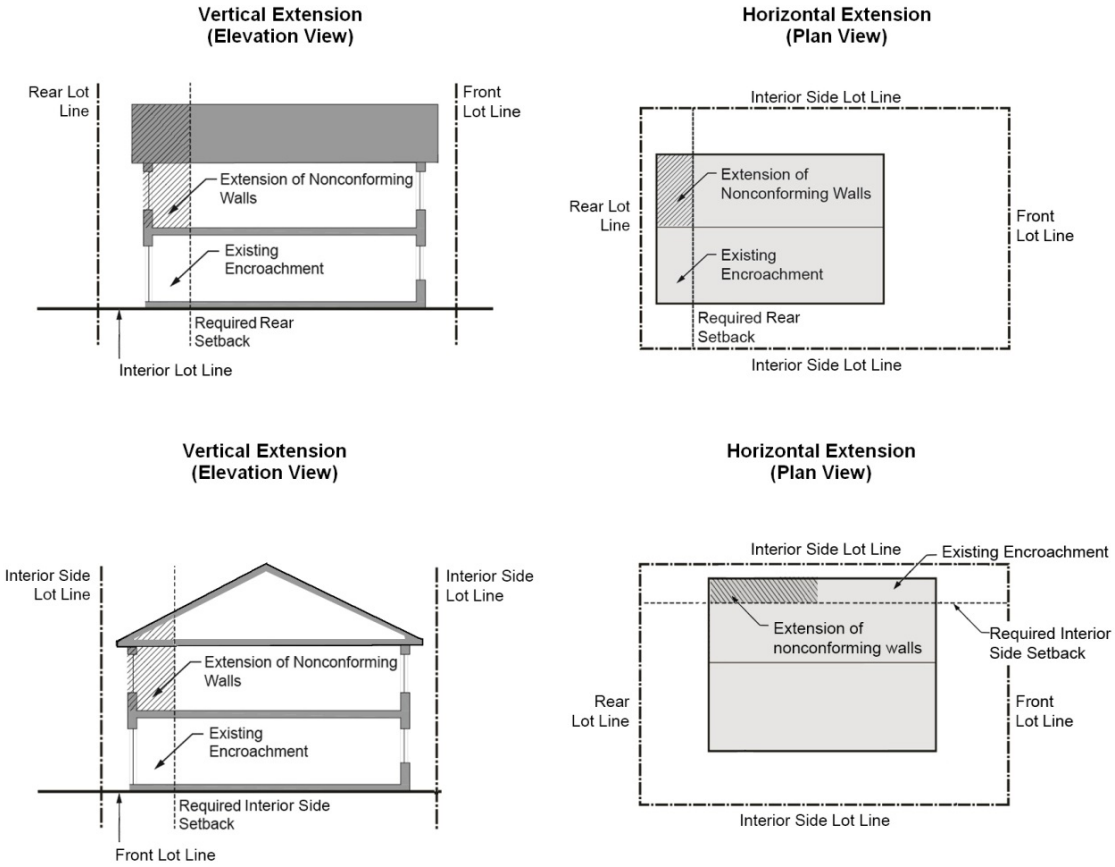
1. In the event that a nonconforming structure is damaged or destroyed by the fault of the property owner or tenant, the structure, as restored or repaired, shall be rebuilt to comply with all requirements of this Ordinance.

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 a lot of record that at one time conformed to the lot dimension requirements (lot area, lot width, lot depth) of the zoning district in which it is located but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

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.

C. Development

Development of a nonconforming lot shall meet all applicable dimensional or bulk regulations of the district in which it is located with the exception of any lot dimension requirement that renders it nonconforming.

D. Enlargement 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.

E. Merger of Substandard Lots of Record

In all residential districts, if two or more contiguous, lawfully established substandard lots of record, where one or more of the lots is less than 4,000 square feet and are under the same ownership on or, anytime after October 24, 1991, such lots are considered to be one lot and undivided for the purpose of this Ordinance, provided that the merger does not result in more than one principal building on the lot. For purposes of this provision, a garage is not considered a principal building. If after merging, the resulting lot does not meet the minimum lot area requirements of the district, then item B above applies. Notwithstanding the above, this section does not apply if such a merger would create a through lot. Further, a subdivision of lots that are merged by this section may be performed in accordance with the Commission's regulations, without zoning relief, to create lots that are conforming by dimension.

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.

ARTICLE 21. ENFORCEMENT

2100 ENFORCEMENT

2100 ENFORCEMENT

A. The erection, construction, enlargement, intensification, conversion, moving, or maintenance of any structure and the use of any land or structure which is continued, operated, or maintained, contrary to any of the provisions of this Ordinance is a violation of this Ordinance and unlawful.

B. The Director of the Department of Inspection and Standards has the power 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.

C. The City Solicitor will institute an injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such violation. The remedies provided for herein are cumulative and not exclusive and in addition to any other remedies provided by law.

D. Any person or corporation, whether as principal, agent, employee or otherwise, who violates or is the owner of property in violation of any of the provisions of this Ordinance will be fined up to $500.00 for each offense, with such fine to inure to the City. Each day of the existence of any violation is deemed a separate offense.