

# **North Providence, Rhode Island Zoning Ordinance**

Chapter 35 of the Town Code  
As amended to December 2014\*

**\*NOTE:** This document is an unofficial copy of the text of the North Providence zoning ordinance integrating all amendments approved as of December 2014. This unofficial copy has been made available on-line for the convenience of the public. The official copy of the North Providence Zoning Ordinance is maintained by the office of the Town Clerk at 2000 Smith Street North Providence, RI 02911. Copies may be obtained through that office on request. Copying charges may apply.

# North Providence, Rhode Island Zoning Ordinance

IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTH PROVIDENCE AS FOLLOWS:

In accordance with Title 45, Chapter 24 of the General Laws of Rhode Island, as amended, the existing Zoning Ordinance of the Town of North Providence adopted effective July 16, 1987, as amended, is hereby repealed in its entirety and the following zoning ordinance is hereby adopted in its place and stead. All other laws and ordinances of the Town of North Providence which are inconsistent with the Zoning ordinance adopted this date are hereby repealed in whole or in part as the case may be. This zoning ordinance shall be effective upon passage on this 6th day of December, 1994, and includes any amendments adopted thereafter. This zoning ordinance is more fully described in Article I, section 102 of this ordinance.

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# **Article 1 - Zoning Ordinance - Generally**

## **101. Statement of Purpose**

The zoning districts and regulations set forth in this Zoning Ordinance are made in accordance with the provisions of Rhode Island General Law (RIGL) 45-24 and consistent with the Comprehensive Plan of the Town of North Providence, adopted by the Town Council of the Town of North Providence and approved by the Director of the Rhode Island Department of Administration under the provisions of RIGL 45-22.2 and for the following purposes:

- A. To promote public health, safety, and general welfare of the Town.
- B. To provide for a range of uses and intensities of use appropriate to the character of the Town and reflecting current and expected future needs.
- C. To provide for orderly growth and development which recognizes:
  - (1) the goals and patterns of land use contained in the aforesaid Comprehensive Plan of the Town adopted pursuant to RIGL, Chapter 45-22.2;
  - (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 value and dynamic nature of the Town's water bodies including freshwater ponds, streams, and freshwater wetlands;
  - (4) the value of unique 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 the urban and suburban development, and redevelopment of the town;
  - (7) the use of innovative development regulations and techniques.
- D. To provide for the control, protection and/or abatement of air, water, groundwater, and noise pollution and soil erosion and sedimentation.
- E. To provide for the protection of the natural, historic, cultural, and scenic character of the Town or areas therein.
- F. To provide for the preservation and promotion of the open space and recreation resources of the Town.

G. To provide 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. To promote a balance of housing choices for all income levels and groups and to assure the health, safety, and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing, including low and moderate income housing.

I. To promote safety from fire, flood and other natural or man-made disasters.

J. To promote a high level of quality in design in the development and redevelopment of private and public facilities.

K. To promote implementation of the Comprehensive Plan of the Town of North Providence.

L. To provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond the town or have a direct impact on the town.

M. To provide for efficient review of development proposals, and to clarify and expedite the zoning approval process.

N. To provide for procedures for the efficient and effective administration of this Ordinance.

O. To provide for conformance of the National Fire Prevention Act (“NFPA”) codes by the town and the Authority having jurisdiction (AHJ)

## **102. Zoning Ordinance**

The Zoning Ordinance of the Town of North Providence shall consist of this Ordinance with all its text, charts, graphs and any other explanatory material adopted as part of this Ordinance together with the Zoning District Boundaries as hereby established and shown on the Zoning Maps numbered 1-26, inclusive, entitled North Providence Zoning Maps. Said Ordinance and Maps are recorded in the office of the Town Clerk of the Town of North Providence.

## **103. Enforcement of Ordinance**

It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this Ordinance. Such enforcement shall be subject to an appeal by the Board. In enforcing the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare.

This Ordinance shall be consistent with the Comprehensive Plan, as amended, of the Town of North Providence, adopted by the Town Council of the Town of North Providence and approved by the Director of the Rhode Island Department of Administration pursuant to Chapter 45-22.2 of the general laws of Rhode Island, and in the instance of uncertainty in the construction, interpretation, or application of any section of this Ordinance, this Ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the Comprehensive Plan.

## **104. Determination of Most Restrictive Zone**

The following list of zones shall be interpreted under this Ordinance to be from the most restrictive zone to the least restrictive zone:

OS, R12, R8, RL10, RL13, IS, CP, CV, CG, ML & MG

The intent being that the OS zone is the most restrictive and the MG zone the least restrictive.

## **105. Zone Boundaries**

Where uncertainty exists as to the boundaries of the zoning districts as shown on the Official Zoning map, the following rules shall apply:

- A. Zone boundaries are generally intended to follow lot lines.
- B. Zone boundaries, where indicated, are the center lines of streets, parkways, waterways, or railroad rights-of-way.
- C. Where the street layout on the ground varies from the layout as shown on the zoning map(s), the Zoning Enforcement Officer shall interpret said map according to the reasonable intent of this Ordinance.
- D. Where the zone boundary divides a lot so that more than 50 percent of the lot area is in a more restrictive zone, the provisions of this Ordinance relating to the more restrictive zone shall be extended to the entire lot by a Special Use Permit from the Zoning Board of Review.
- E. Where the zone boundary divides a lot so that 50 percent or more of the lot area is in a less restrictive zone, the provisions of this Ordinance relating to the less restrictive zone can be extended to the entire lot by a Special Use Permit from the Zoning Board of Review.
- F. Where a zone boundary is indicated as being a certain depth in feet from a street, the zoning boundary shall be measured from the nearest edge of the street right of way.



G. Where the location of a zoning boundary is unclear, the Zoning Enforcement Officer shall make a determination as to the location of the boundary. This determination by the Zoning Enforcement Officer may be appealed to the Board.

## **106. Compliance with Ordinance**

A. Conformance with Permitted Use - No building or structure shall be erected, reconstructed, or enlarged for any use other than that which is permitted in the zone in which such building, structure or land is located. No building or structure shall be moved to a new site unless that site is zoned to permit the use intended for such building or structure. Nor shall any building, structure or land be used for any use other than is permitted in the zone in which it is located.

B. Dimensional Conformance - Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the dimensional limits established for the zone wherein such building or structure is located.

C. Lot Area Conformance - No new lot shall be created, nor shall an existing lot be reduced or diminished except in conformance with the dimensional requirements of this Ordinance, nor shall the number of dwelling units or occupancy therein be increased in any manner except in conformance with the dimensional requirements of this Ordinance. The lot or yard areas of buildings existing at the time this Ordinance became effective shall not be diminished below the requirements herein provided. The required yard or parking area for a building shall not be included as a part of the required yard or parking area of any other building.

## **107. Conflicts of Law**

All departments, officials and public employees of the Town of North Providence which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void.

## **108. Review by Planning Board**

The Zoning Ordinance will be reviewed periodically by the Planning Board or whenever deemed necessary by them or when there has been a change to the town's comprehensive plan that would require a change in this Ordinance. The Planning Board shall then make such recommendations, as it deems appropriate to the Town Council. In no case shall this review be made less than once every two (2) years.

## **109. Effective Date**

This Ordinance is in effect on the date of passage by the Town Council, said date being, December 6, 1994 and all amendments thereafter. All other zoning ordinances or parts of ordinances inconsistent herewith are hereby repealed on the effective date of this ordinance.

## **Article II - Zoning District Regulations**

### **201. Establishment of Zoning Use Districts**

For the purpose of this Ordinance, the town is divided into zoning use districts, which may be referred to as "zones" or "districts", designated and described as follows:

#### **A. Residential or R Zones**

RS12 - Single Household District. - This district is intended for low density single dwelling units in detached structures, located on lots having a minimum land area of 12,000 square feet. Only one detached single family unit is allowed on a lot.

R8 - Single Household District - This district is intended for medium low density single dwelling units in detached structures, located on lots having a minimum land area of 8,000 square feet. Only one detached single family unit is allowed on a lot.

RL - Limited Household District - this district is intended for medium high density single dwelling units in detached structures, located on lots having a minimum land area of 8,000 square feet, or duplex or two household dwelling units located on lots having a minimum land area of:

RL10 - 10,000 square feet and having a special use permit from the Zoning Board of Review to allow their construction. Only one living dwelling/structure is allowed on such a lot. This is applicable to Plat's 2, 5, 11, 12, 13, 14, 15, 16, 20, 23D, 24, & 24A.

RL13 - 13,000 square feet and having a special use permit from the Zoning Board of Review to allow their construction. No variances are permitted. Only one living dwelling/structure is allowed on such a lot. This is applicable to Plat's 3, 6, 7, 8, 9, 17, 18, 19, 21, 21A, 21B, 24B, 24C, 25, & 25A.

RG - General or Multi Household District - this district is intended for high density single dwelling units detached structures located on lots having a minimum land area of 8,000 square

feet, or duplex or two-household units located on lots having a minimum lot area of 10,000 square feet, and multi-household attached dwelling units whose number of units allowed shall be determined by type of unit per required area as provided for in this ordinance, having a minimum land area of 20,000 square feet.

## **B. Commercial or C Zones**

CP - Commercial Professional Office Zone. This district is established to recognize professional offices used as a mechanism to provide a buffer between residences and heavy commercial districts and as a way to control and limit the conversion/demolition of houses for commercial purposes. This zoning designation is intended for "professional offices" such as doctors, lawyers and accountants. It will also prohibit the destruction/conversion of existing homes into strip malls and cinder block buildings, and promote the use and reuse of existing buildings to maintain the character of the neighborhood.

CV - Commercial Village Zone -. This district is established to recognize that certain areas of town are characterized by smaller commercial establishments that predominantly serve a particular neighborhood or segment of the Town's population, versus townwide or intertown. The district will have uses that are different in scale from those found on Mineral Spring Avenue. Uses that are not permitted are fast food restaurants, repair stations, and other large super store type businesses. The intent of this zone is to protect the surrounding residential neighborhoods, limit the amount of traffic on existing streets and prevent urban sprawl.

CG - Commercial General Zone. This district is intended for commercial areas that serve townwide and inter-town needs for retail, service and office needs that are larger in scale, area and/or density.

## **C. Manufacturing or M Zones**

(1) ML - Manufacturing Limited - this district is intended for light manufacturing uses that provide for manufacturing, assembly, storage and related activity on a smaller scale or lesser intensity and which also allows office and service uses related to manufacturing or storage

(2) MG - Manufacturing General - this district is intended to provide for general manufacturing that is at a larger scale or intensity or requires a larger area than in the ML Zone, service and office uses related to manufacturing or storage are also allowed.

## **D. Institutional or IS Zones**

IS- Institutional Zones. This district is intended for institutional uses, such as hospitals, religious institutions, government buildings, nursing homes and prisons. The intent of this section is to regulate these uses, while also protecting surrounding residential neighborhoods.

### **E. Open Space or OS Zones**

OS - Open Space Zones. This district is intended for open space and recreational purposes. The intent of this section is to regulate and protect open space and recreational facilities and promote their integration with surrounding neighborhoods.

### **F. Historic Overlay Zones or HI Zones**

HI - Historic Overlay Zones. This overlay district is intended to preserve districts and specific buildings of the Town of North Providence which reflect elements of its cultural, social, economic, political, and architectural history. This zone is designed to stabilize and improve property values in such historic districts, to preserve specific buildings, to foster civic beauty, to strengthen the local economy and to promote the use of such districts and specific buildings for the education, pleasure and pride of the residents of the Town of North Providence.

## **202. Zoning Map**

The boundaries of the above districts are hereby established as shown on the zoning maps numbered 1-26 inclusive, entitled "North Providence Zoning Maps", recorded in the office of Town Clerk of the Town of North Providence, bearing the effective date of this ordinance. Said zoning maps are hereby adopted and made part of this ordinance.

## **203. District Use Regulations**

Uses permitted in the districts are marked with a "Y".

Uses permitted in the districts with a special use permit under the provisions of Article V of this ordinance are marked with an "S". Uses that are prohibited in the districts are marked with an "N".

|  | <u>R12</u> | <u>R8</u> | <u>RL</u> | <u>RG</u> | <u>IS</u> | <u>CP</u> | <u>CV</u> | <u>CG</u> | <u>ML</u> | <u>MG</u> | <u>OS</u> |
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <u>A. Agricultural Uses</u>            |            |           |           |           |           |           |           |           |           |           |           |
| 1. Raising of animals for profit       | Y#         | Y#        | N         | N         | N         | N         | N         | N         | N         | N         | Y         |
| 2. Raising of crops for profit         | Y#         | Y#        | N         | N         | N         | N         | N         | N         | N         | N         | Y#        |
| 3. Commercial Nursery                  | N          | N         | N         | N         | N         | N         | Y         | Y         | S         | S         | N         |
| <u>B. Residential Uses</u>             |            |           |           |           |           |           |           |           |           |           |           |
| 1. Single family detached dwelling     | Y          | Y         | Y         | S         | S         | S         | N         | N         | N         | N         | N         |
| 2. Accessory dwelling units            | Y          | Y         | Y         | S         | S         | S         | N         | N         | N         | N         | N         |
| (Under Article II )                    |            |           |           |           |           |           |           |           |           |           |           |
| 3. Two family dwelling structure       | N          | N         | S@        | Y         | S         | S         | S         | N         | N         | N         | N         |
| 4. Multi-family dwelling structure     | N          | N         | S         | Y         | S         | S         | S         | N         | N         | N         | N         |
| 5. Lodging or Guest House              | N          | N         | N         | N         | S         | S         | S         | N         | N         | N         | N         |
| 6. Dormitory for a permitted use       | N          | N         | N         | N         | N         | N         | N         | Y         | N         | N         | N         |
| 7. Hotel                               | N          | N         | N         | N         | N         | N         | N         | S         | N         | N         | N         |
| 8. Motel                               | N          | N         | N         | N         | N         | N         | N         | S         | N         | N         | N         |
| 9. Home Occupation. (Under Article II) | Y          | Y         | Y         | Y         | Y         | Y         | Y         | N         | N         | N         | N         |
| 10. Rest Home or Convalescent Home     | N          | N         | N         | S         | S         | N         | N         | N         | N         | N         | N         |
| 11. Community Residence/s              | Y          | Y         | Y         | Y         | N         | Y         | Y         | Y         | N         | N         | N         |
| 12. Assisted Living Unit/s             | N          | N         | N         | Y         | Y         | N         | N         | N         | N         | N         | N         |
| 13. Trailer Park                       | N          | N         | N         | N         | N         | N         | N         | N         | N         | N         | N         |
| <u>C. Open Recreation Uses</u>         |            |           |           |           |           |           |           |           |           |           |           |
| 1. Commercial recreation not otherwise | N          | N         | N         | N         | N         | N         | S         | S         | N         | N         | Y         |

prohibited

|  | <u>R12</u> | <u>R8</u> | <u>RL</u> | <u>RG</u> | <u>IS</u> | <u>CP</u> | <u>CV</u> | <u>CG</u> | <u>ML</u> | <u>MG</u> | <u>OS</u> |
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|

D. Public and Semi-Public Buildings

|                                       |   |   |   |   |   |   |   |   |   |   |   |
|---------------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 1. Religious Inst. Or Charitable Inst | N | N | N | N | Y | N | N | N | N | N | N |
|---------------------------------------|---|---|---|---|---|---|---|---|---|---|---|

(No Commercial Activity)

|   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 2. Religious Inst. Or Charitable Inst.<br>(Commercial activity) | N | N | N | N | S | N | N | N | N | N | N |
|---|---|---|---|---|---|---|---|---|---|---|---|

|                          |   |   |   |   |   |   |   |   |   |   |   |
|--------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 3. Library, Museum, etc. | N | N | N | N | S | N | N | N | N | N | N |
|--------------------------|---|---|---|---|---|---|---|---|---|---|---|

|                       |   |   |   |   |   |   |   |   |   |   |   |
|-----------------------|---|---|---|---|---|---|---|---|---|---|---|
| 4. Hospital or Clinic | N | N | N | N | S | N | N | N | N | N | N |
|-----------------------|---|---|---|---|---|---|---|---|---|---|---|

(not for mental or alcoholic treatment)

|             |   |   |   |   |   |   |   |   |   |   |   |
|-------------|---|---|---|---|---|---|---|---|---|---|---|
| 5. Hospital | N | N | N | N | S | N | N | N | N | N | N |
|-------------|---|---|---|---|---|---|---|---|---|---|---|

(for mental or alcoholic treatment)

|                           |   |   |   |   |   |   |   |   |   |   |   |
|---------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 6. Mental Health Facility | N | N | N | N | S | N | N | N | N | N | N |
|---------------------------|---|---|---|---|---|---|---|---|---|---|---|

|                         |   |   |   |   |   |   |   |   |   |   |   |
|-------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 7. Prison/Intake Center | N | N | N | N | N | N | N | N | N | N | N |
|-------------------------|---|---|---|---|---|---|---|---|---|---|---|

|                        |   |   |   |   |   |   |   |   |   |   |   |
|------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 8. Government Building | N | N | N | N | Y | N | N | N | N | N | N |
|------------------------|---|---|---|---|---|---|---|---|---|---|---|

(except garage or utility)

|  |   |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|---|
| 9. Garage or Utility Government Building | N | N | N | N | S | N | N | N | N | N | Y |
|--|---|---|---|---|---|---|---|---|---|---|---|

|                            |   |   |   |   |   |   |   |   |   |   |   |
|----------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 10. Fire or Police Station | N | N | N | N | Y | N | N | N | N | N | N |
|----------------------------|---|---|---|---|---|---|---|---|---|---|---|

|                  |   |   |   |   |   |   |   |   |   |   |   |
|------------------|---|---|---|---|---|---|---|---|---|---|---|
| 11. Sewage Plant | N | N | N | N | N | N | N | N | N | N | N |
|------------------|---|---|---|---|---|---|---|---|---|---|---|

|                            |   |   |   |   |   |   |   |   |   |   |   |
|----------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 12. Public Recreation Hall | N | N | N | N | S | N | N | N | N | N | Y |
|----------------------------|---|---|---|---|---|---|---|---|---|---|---|

|                                       |   |   |   |   |   |   |   |   |   |   |   |
|---------------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 13. Clubs and Fraternal Organizations | N | N | N | N | N | S | S | N | N | N | N |
|---------------------------------------|---|---|---|---|---|---|---|---|---|---|---|

|                                  |   |   |   |   |   |   |   |   |   |   |   |
|----------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 14. Radio/TV/Phone Antenna Tower | N | N | N | N | S | N | N | S | N | N | N |
|----------------------------------|---|---|---|---|---|---|---|---|---|---|---|

E. Office Use

|   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Professional Office in a dwelling as a | Y | Y | Y | Y | Y | Y | Y | Y | N | N | N |
|---|---|---|---|---|---|---|---|---|---|---|---|

|   | <u>R12</u> | <u>R8</u> | <u>RL</u> | <u>RG</u> | <u>IS</u> | <u>CP</u> | <u>CV</u> | <u>CG</u> | <u>ML</u> | <u>MG</u> | <u>OS</u> |
|---|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Home Occupation (Under Article II )   |            |           |           |           |           |           |           |           |           |           |           |
| 2. Professional Office, Real Estate, Insurance Agency, Travel etc.  | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| Licensed Nutritionist   |            |           |           |           |           |           |           |           |           |           |           |
| 3. Doctor or Dentist (no overnight stay)  | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| 4. Telemarketing Office   | N          | N         | N         | N         | N         | Y         | S         | Y         | N         | N         | N         |
| 5. Accountant   | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| 6. Professional School Hair, Computers, etc.  | N          | N         | N         | N         | N         | S         | S*        | Y         | N         | N         | N         |
| 7. Office for Wholesale or Manufacturing Use  | N          | N         | N         | N         | N         | S         | Y         | Y         | N         | N         | N         |
| <b><u>F. Restaurants and Entertainment</u></b>  |            |           |           |           |           |           |           |           |           |           |           |
| 1. Lunch Rooms or Restaurants Entertainment & Liquor License to be granted by Town Council  | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| 2. Fast Food Restaurant   | N          | N         | N         | N         | N         | N         | N         | Y         | N         | N         | N         |
| 3. Drive-in Restaurant  | N          | N         | N         | N         | N         | N         | N         | S         | N         | N         | N         |
| 4. Tavern or Night Club   | N          | N         | N         | N         | N         | N         | N         | S         | N         | N         | N         |
| 5. Theater or Concert Hall  | N          | N         | N         | N         | N         | N         | N         | S         | N         | N         | N         |
| 6. Indoor Commercial Recreation, ie Fitness Center, Tennis Club   | N          | N         | N         | N         | N         | N         | N         | S         | N         | N         | N         |
| 7. Lunch Room or Cafeteria (accessory to a permitted use and designed to serve the student, employees and patrons of the main use, located entirely within the main building with no exterior | N          | N         | N         | N         | N         | N         | N         | S         | S         | N         | N         |

|   | <u>R12</u> | <u>R8</u> | <u>RL</u> | <u>RG</u> | <u>IS</u> | <u>CP</u> | <u>CV</u> | <u>CG</u> | <u>ML</u> | <u>MG</u> | <u>OS</u> |
|---|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| advertising)                                  |            |           |           |           |           |           |           |           |           |           |           |
| 8. Deli/Caterer                               | N          | N         | N         | N         | N         | N         | Y         | Y         | N         | N         | N         |
| 9. Adult Cabaret                              | N          | N         | N         | N         | N         | N         | N         | Y**       | N         | N         | N         |
| 10. Adult Motion Picture Theatre or           | N          | N         | N         | N         | N         | N         | N         | Y**       | N         | N         | N         |
| Adult Theatre                                 |            |           |           |           |           |           |           |           |           |           |           |
| 11. Sexual Encounter Center                   | N          | N         | N         | N         | N         | N         | N         | Y**       | N         | N         | N         |
| 12. Nude Model Studio                         | N          | N         | N         | N         | N         | N         | N         | Y**       | N         | N         | N         |
| 13. Escort Agency                             | N          | N         | N         | N         | N         | N         | N         | Y**       | N         | N         | N         |
| <u>G. Service Business</u>                    |            |           |           |           |           |           |           |           |           |           |           |
| 1. Barber, Hair Salon, Beautician,            | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| 2. Shoe Repair, Tailor                        | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| 3. Laundry/Cleaning Pick-up only              | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| 4. Landscaping Business                       | N          | N         | N         | N         | N         | S         | S         | Y         | N         | N         | N         |
| 5. Dry Cleaners                               | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| 6. Furniture Upholstery                       | N          | N         | N         | N         | N         | N         | N         | Y         | Y         | N         | N         |
| 7. Laundromat                                 | N          | N         | N         | N         | N         | S         | S         | S         | N         | N         | N         |
| 8. Funeral Home                               | N          | N         | N         | N         | N         | Y         | Y         | Y         | N         | N         | N         |
| 9. Radio/TV Studio                            | N          | N         | N         | N         | N         | S         | S         | Y         | N         | N         | N         |
| 10. Veterinary/Pet Shop                       | N          | N         | N         | N         | N         | Y         | Y         | N         | N         | N         | N         |
| 11. Pet Grooming                              | N          | N         | N         | N         | N         | Y         | Y         | N         | N         | N         | N         |
| 12. Gasoline Station (Gasoline Sales<br>Only) | N          | N         | N         | N         | N         | S         | Y         | Y         | N         | N         | N         |
| 13. Gasoline Station (Major Repairs)          | N          | N         | N         | N         | N         | S         | S         | Y         | N         | N         | N         |
| 14. General Automotive Repair                 | N          | N         | N         | N         | N         | N         | N         | Y         | Y         | Y         | N         |
| (No Gasoline Sales)                           |            |           |           |           |           |           |           |           |           |           |           |
| 15. Home Heating Oil Co.                      | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 15. Tire Sales/Installation                   | N          | N         | N         | N         | N         | N         | N         | Y         | N         | N         | N         |
| 16. Vehicle Rental Agency                     | N          | N         | N         | N         | N         | S*        | S*        | Y         | N         | N         | N         |



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|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 18. Vehicle Washing Shop   | N          | N         | N         | N         | N         | N         | N         | S         | N         | N         | N         |
| 19. Family Day Care Home<br>(Less than 6 unrelated children)       | N          | Y         | Y         | Y         | N         | N         | N         | N         | N         | N         | N         |
| 20. Family Day Care Home<br>(More than 6 unrelated children)       | N          | N         | N         | N         | N         | S         | S         | S         | N         | N         | N         |
| 21. Child Day Care Center  | N          | N         | N         | N         | N         | S         | S         | N         | N         | N         |           |
| 22. Drive Thru Window<br>(Incidental to a main service/retail use) | N          | N         | N         | N         | N         | S         | S         | S         | N         | N         | N         |

#### H. Retail Business

|   |   |   |   |   |   |   |    |   |   |   |   |
|---|---|---|---|---|---|---|----|---|---|---|---|
| 1. Local Grocery Store<br>(Less than 10,000 sq. ft) | N | N | N | N | N | N | Y  | Y | N | N | N |
| 2. Grocery Store (10,000+ sq. ft)                   | N | N | N | N | N | N | N  | Y | N | N | N |
| 3. Drug Store                                       | N | N | N | N | N | N | Y  | Y | N | N | N |
| 4. Hardware Store                                   | N | N | N | N | N | N | Y* | Y | N | N | N |
| 5. Bakery (Retail Shop)                             | N | N | N | N | N | N | Y* | Y | N | N | N |
| 6. Variety Store                                    | N | N | N | N | N | N | Y  | Y | N | N | N |
| 7. Fruit/Vegetable Store                            | N | N | N | N | N | N | Y  | Y | N | N | N |
| 8. Package/Liquor Store                             | N | N | N | N | N | N | Y* | Y | N | N | N |
| 9. Clothing Store (New)                             | N | N | N | N | N | N | Y* | Y | N | N | N |
| 10. Clothing Store (Used)                           | N | N | N | N | N | N | S* | S | N | N | N |
| 11. Appliance Store (New)                           | N | N | N | N | N | N | Y* | Y | N | N | N |
| 12. Appliance Store (Used)                          | N | N | N | N | N | N | S  | S | N | N | N |
| 13. Furniture Store (New)                           | N | N | N | N | N | N | Y* | Y | N | N | N |
| 14. Furniture Store (Used)                          | N | N | N | N | N | N | S  | S | N | N | N |
| 15. Antiques/Collectibles                           | N | N | N | N | N | N | S  | S | N | N | N |
| 16. Department Store                                | N | N | N | N | N | N | Y* | Y | N | N | N |
| 17. Video Rental/Sales                              | N | N | N | N | N | N | Y* | Y | N | N | N |
| 18. Household Goods (New)                           | N | N | N | N | N | N | Y* | Y | N | N | N |
| 19. Household Goods (Used)                          | N | N | N | N | N | N | S  | Y | N | N | N |

|   | <u>R12</u> | <u>R8</u> | <u>RL</u> | <u>RG</u> | <u>IS</u> | <u>CP</u> | <u>CV</u> | <u>CG</u> | <u>ML</u> | <u>MG</u> | <u>OS</u> |
|---|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 19. Household Goods (Used)                  | N          | N         | N         | N         | N         | N         | S         | Y         | N         | N         | N         |
| 20. New General Goods                       | N          | N         | N         | N         | N         | N         | Y*        | Y         | N         | N         | N         |
| 21. Used General Goods                      | N          | N         | N         | N         | N         | N         | S         | S         | N         | N         | N         |
| 22. Resale Shop                             | N          | N         | N         | N         | N         | N         | S         | S         | N         | N         | N         |
| 23. Auto or Truck Sales in a Building & lot | N          | N         | N         | N         | N         | N         | S         | Y         | N         | N         | N         |
| 24. Auto or Truck Sales in an Open Lot      | N          | N         | N         | N         | N         | N         | N         | Y         | N         | N         | N         |
| 25. Adult Arcade                            | N          | N         | N         | N         | N         | N         | N         | Y**       | N         | N         | N         |
| 26. Adult Bookstore                         | N          | N         | N         | N         | N         | N         | N         | Y**       | N         | N         | N         |

I. Transportation Uses

|                                |   |   |   |   |   |   |   |   |   |   |   |
|--------------------------------|---|---|---|---|---|---|---|---|---|---|---|
| 1. Off-street parking facility | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
|--------------------------------|---|---|---|---|---|---|---|---|---|---|---|

(accessory to a use that is permitted within the district. If more than one district involved, zoning of parking facility must be equal or less restrictive than zoning of main use lot.)

|   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 2. Commercial Off-Street Parking Facility | N | N | N | N | N | N | Y | Y | Y | Y | N |
|---|---|---|---|---|---|---|---|---|---|---|---|

J. Wholesale Business and Storage

|  |   |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|---|
| 1. Wholesale Business and Storage of Non-flammable and Non-explosive material in a Building. | N | N | N | N | N | N | N | S | Y | Y | N |
| 2. Open lot storage of building materials and machinery                                      | N | N | N | N | N | N | N | N | S | S | N |
| 3. Open storage of solid fuel, sand and gravel   | N | N | N | N | N | N | N | N | S | S | N |

|  | <u>R12</u> | <u>R8</u> | <u>RL</u> | <u>RG</u> | <u>IS</u> | <u>CP</u> | <u>CV</u> | <u>CG</u> | <u>ML</u> | <u>MG</u> | <u>OS</u> |
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 4. Retail outlet for a wholesale or storage use    | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 5. Storage of flammable and/or explosive materials | N          | N         | N         | N         | N         | N         | N         | N         | S         | S         | N         |
| 6. Mini-storage facility                           | N          | N         | N         | N         | N         | N         | N         | N         | S         | S         | N         |
| <b><u>K. Service Industries</u></b>                |            |           |           |           |           |           |           |           |           |           |           |
| 1. Auto Body or Paint Shop                         | N          | N         | N         | N         | N         | N         | N         | N         | S         | S         | N         |
| 2. Blacksmith shop                                 | N          | N         | N         | N         | N         | N         | N         | N         | S         | S         | N         |
| 3. Furniture Refinishing                           | N          | N         | N         | N         | N         | N         | N         | Y         | S         | S         | N         |

# Must be located on a site greater than 5 acres in total area

@ Applicable to both RL10 & RL13. No variance is allowed in an RL13 zone

\*Total square feet of unit cannot exceed 2,000 square feet. Any use or proposed use that exceeds this limitation, but does not exceed 5,000 square feet can apply for a special use permit under Article V of this ordinance. Any use or proposed use that exceeds 5,000 square feet is not a permitted use.

\*\*Allowed in a Commercial General District only, subject to all other restrictions within the Zoning Ordinance of the Town of North Providence

**R12 R8 RL RG IS CP CV CG ML MG OS**

**L. Industrial Uses**

|   | <u>R12</u> | <u>R8</u> | <u>RL</u> | <u>RG</u> | <u>IS</u> | <u>CP</u> | <u>CV</u> | <u>CG</u> | <u>ML</u> | <u>MG</u> | <u>OS</u> |
|---|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 1. The manufacture, compounding, processing or packaging of bakery goods, candy, cosmetics, drugs, food products (excluding meat, fish, yeast, vinegar and the rendering of fats and oils and other similar operations)             | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 2. The manufacture, compounding or assembly of articles using bone, shell, cellophane, jewelry, plastic, fur, feathers, glass, leather, precious metals or stones, wood, textiles or tobacco and other previously prepared products | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 3. The manufacture and assembly from prepared materials of: musical instruments, clocks, toys, novelties, appliances, electronic devices, jewelry, sheet metal products, machine tools and machinery and other similar products     | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 4. Auto Manufacture and Assembly  | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 5. Boat Manufacture   | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 6. Boat Storage and Repair  | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 7. Boiler, or Diesel Manufacture  | N          | N         | N         | N         | N         | N         | N         | N         | N         | Y         | N         |
| 8. Cement, Lime, Gypsum or Plaster  | N          | N         | N         | N         | N         | N         | N         | N         | N         | Y         | N         |
| 9. Iron or Steel Foundry  | N          | N         | N         | N         | N         | N         | N         | N         | N         | Y         | N         |
| 10. Machinery or Machine Tool Manufacture   | N          | N         | N         | N         | N         | N         | N         | N         | N         | Y         | N         |
| 11. Oilcloth or Linoleum Manufacture  | N          | N         | N         | N         | N         | N         | N         | N         | N         | S         | N         |
| 12. Paint Manufacture   | N          | N         | N         | N         | N         | N         | N         | N         | N         | S         | N         |

|  | <u>R12</u> | <u>R8</u> | <u>RL</u> | <u>RG</u> | <u>IS</u> | <u>CP</u> | <u>CV</u> | <u>CG</u> | <u>ML</u> | <u>MG</u> | <u>OS</u> |
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 13. Plastic and Pyroxylin Manufacture      | N          | N         | N         | N         | N         | N         | N         | N         | N         | S         | N         |
| 14. Potash Manufacture                     | N          | N         | N         | N         | N         | N         | N         | N         | N         | S         | N         |
| 15. Retail Outlet for Industrial Operation | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 16. Rubber Manufacture or Treatment        | N          | N         | N         | N         | N         | N         | N         | N         | N         | S         | N         |
| 17. Soap Manufacture                       | N          | N         | N         | N         | N         | N         | N         | N         | N         | S         | N         |
| 18. Sodium Compounds Manufacture           | N          | N         | N         | N         | N         | N         | N         | N         | N         | S         | N         |
| 19. Stone Cutting                          | N          | N         | N         | N         | N         | N         | N         | N         | Y         | Y         | N         |
| 20. Textile Dyeing or Finishing            | N          | N         | N         | N         | N         | N         | N         | N         | N         | S         | N         |
| 21. Tile or Brick Manufacturing            | N          | N         | N         | N         | N         | N         | N         | N         | S         | Y         | N         |

M. Accessory Uses

|   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Any accessory use customarily incidental to a main use permitted in the District and located on the same site and the same zoning district | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|---|---|---|---|

#### N. Prohibited Uses

The following are prohibited uses in all Zoning Districts:

Raising of livestock, swine, pigeons or other farm animals, Privately owned playground open to the public, bathing beach, golf course, drive-in theater, school or college, private school, airport, heliport, rail or motor freight terminal, rail or bus passenger station, open storage and wrecking of junk scrap or salvage material, storage of flammable or explosive materials above ground level, acetylene gas manufacture, acid manufacture, alcohol manufacture or brewery, ammonia or bleach manufacture, atomic energy process, carbon black manufacture, chemical manufacture, chlorine manufacture, coal distillation, creosote manufacture or treatment, distillation of bones, explosives manufacture, fertilizer manufacture, fish smoking, curing or canning, glue manufacture, mining, quarrying or gravel removal, offal or dead animal reduction, petroleum refining, smelter, blast furnace or blooming mill, wool pulling or scouring, processing of vinegar or yeast, rendering or refining of fats, tanning or curing of raw hides, loam stripping, open dump for refuse and rubbish, incinerator, inoperable vehicles, kennels.

#### O. Unclassified Uses

Any use not specifically listed which is not prohibited in Section 203, A-N, above, shall require a ruling as to general classification by the Zoning Enforcement Officer. If such use is determined to require a special use permit, the provisions of Article V of this Ordinance will apply.

#### P. Outside Storage of Vehicles

Outside storage of unregistered motor vehicles in any residential district is prohibited.

Storage of towed vehicles in any required front yard area in any residential zone is prohibited.

Any vehicle having a gross vehicle weight of 11,000 pounds is prohibited from parking in a residential neighborhood. This section shall not prevent such vehicles from making normal deliveries between the hours of 7:00AM and 9:00 PM and from making normal deliveries, to commercial businesses only, between 6:00 AM and 9:00 PM.

## 204. District Dimensional Regulations

SEE ATTACHED EXHIBIT A FOR CHARTS

## 205. Height Modifications

### A. Roof Structures Permitted Above Maximum Height

(1) The following roof structures are permitted above the maximum height as specified in this Ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building:

- a) Structures for the housing of elevators and elevator shafts,
- b) Stairways,
- c) Fire or parapet walls,
- d) Skylights,
- e) Towers, and
- f) Steeples.

(2) The following roof structures are permitted above the maximum height as specified in this Ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building, and provided that such features shall be set back from the edge of the roof a minimum distance of one foot for every two feet by which they extend above the roof:

- a) Heating and air-conditioning equipment,
- b) Ventilating fans,
- c) Solar collectors,
- d) Storage tanks for water,
- e) Television, radio or satellite dish antennae or masts,
- f) Chimneys or roof mounted smokestacks,
- g) Roof mounted flag poles, and

h) Similar equipment required to operate and maintain a building.

3) No such roof structure as set forth in the subsection shall exceed the maximum height for the zone in which it is located, except by the amounts allowed herein:

a) Buildings from one (1) to six (6) stories - Ten (10) feet.

b) Buildings exceeding six (6) stories - ten feet plus one (1) foot per story above the sixth story to a maximum total of twenty (20) feet.

## **206. Projections into Yards**

### **A. Fire Escape**

A fire escape may extend or project into any required side or rear yard not more than 4 feet.

### **B. Open Stairway or Landing Place**

An open, unenclosed stairway or landing place, which, except for the roof, does not extend above the level of the first floor of the building may extend or project into any required front, side or rear yard 5 feet, but in no case closer than 10 feet to the side or rear lot line unless it is fire rated construction in which case it may be closer than the ten (10') feet..

### **C. Open porch, Deck, Balcony or Platform**

An open porch, deck, balcony or platform may be no closer than 10 feet to any side or rear lot line.

### **D. Handicapped Access Ramps**

Handicapped access ramps may be located in any required front, side or rear yard.

## **207. Yard Applicable to Only One Building**

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing yard or open space on a lot whereon a building is to be erected.



## **208. Home Occupations**

Home occupations may include, but are not necessarily limited to professional office, tailoring, personal service or similar activity in which goods, wares or merchandise are not commercially sold at retail. In addition, home occupations:

- A. Shall be operated entirely within a principal dwelling unit,
- B. Shall be operated only by the person or persons residing within the dwelling unit, with not more than one employee or regular assistant not residing in the dwelling unit, and
- C. Shall utilize not more than twenty percent (20%) of the gross floor area in the dwelling unit or not more than two hundred (200) sq. ft., whichever is less.

## **209. Number of Buildings On a Lot**

Every building hereafter erected shall be located on a lot as herein defined. In all residential zones, there shall not be more than one main residential building and up to two (2) accessory buildings on one lot, except in RG zones where there may be more than one main residential building and more than two accessory buildings on a lot.

## **210. Accessory dwelling units**

A. One accessory dwelling unit shall be permitted within, or on the same lot as, a single-household residence in all R zones provided that it meets all of the following requirements:

- (1) The accessory dwelling unit is designed and constructed in such a way as to maintain the appearance of the use of the lot as a single- household residence.
- (2) The accessory dwelling unit is at least 30 percent smaller in total living area than the single-household residence, or no more than 600 square feet, whichever is smaller. Where special circumstances exist that are peculiar to the site in question, relief from this requirement shall be available by a special use permit provided that the conditions in Article V of this Ordinance are satisfied.
- (3) The accessory dwelling unit is in the same ownership as the single-household residence.
- (4) Either the single-household residence, or the accessory dwelling unit is occupied by the owner for at least six months of the year.

B. Any accessory dwelling unit in existence on the effective date of this Section, with the exception of legal nonconforming accessory dwelling unit, may be legally inhabited provided that:

(1) Application is made for a Certificate of Registration for the accessory dwelling unit no later than one (1) year from the effective date of this Section; and

(2) Within one (1) year of the date of such application, the Zoning Enforcement Officer determines, to the extent that he is able, that the accessory dwelling unit is in compliance with this Ordinance and all other applicable laws. Application for a Certificate of Registration for an existing accessory dwelling unit shall be accompanied by an inspection fee, which shall be in the amount of \$50.00 and may be increased or decreased from time to time by the Town Council.

C. Relief from the requirement that an existing accessory dwelling unit must comply with this Ordinance may be granted by special use permit.

D. The taking of boarders or the renting of rooms by a resident family is prohibited in both the single-household residence and the accessory dwelling unit. No rooming or boarding house shall be permitted to have an accessory dwelling unit.

E. An accessory dwelling unit that is part of a single-household dwelling shall comply with the dimensional regulations for a single-household use contained in Article II of this Ordinance.

F. An accessory dwelling unit may be permitted with a special use permit in RS, RL, CL and CG zones.

## **211. Corner Lots**

For the purpose of complying with the Section 204 of Article II of this Ordinance, the shorter of the two street lot lines shall be interpreted as the front lot line of any corner lot. All dimensional regulations of Article II shall apply except that the side yard which is adjacent to a street shall have a depth equal to one half of the sum of the required side yard and front yard depths for the district.

## **212. Home Occupation Limited:**

(A) A permit for a limited home occupation shall be granted to the owner/occupant of a residential dwelling unit under the following conditions:

- a. The home occupation shall be operated entirely within a principle dwelling unit.
- b. The home occupation shall be operated only by the person or persons residing within the dwelling unit and shall not employ anyone not a resident of the dwelling unit.
- c. The home occupation shall utilize not more than twenty percent (20%) of the gross floor area in the dwelling unit or not more than two hundred (200) square feet of gross area, whichever is less.
- d. The business carried on under the permit shall not include the manufacture, production, assembly, sale or servicing of any product or material in the dwelling unit.
- e. All business carried on shall be of a nature that it may be transacted by voice, paper or electronic means.
- f. No clients shall be serviced at the dwelling unit except to sign and receive documents or to make payments.
- g. No bulk deliveries or distribution other than by the U. S. Postal service or a van type delivery service shall be made to or from the dwelling unit as part of the home occupation.
- h. If the person requesting the limited home occupation permit is the occupant, but not the owner of the dwelling unit, the owner of the dwelling unit must execute an affidavit approving such use. If the dwelling unit is a condominium, the condominium association must also execute an affidavit approving such use.
- i. That only one vehicle with advertising for the home occupation displayed on it shall be parked at the dwelling unit overnight.
- j. The applicant shall sign a sworn affidavit attesting to the fact that the home occupation shall comply with the above requirements as part of the permit application.

(B) The Zoning Enforcement Officer shall, upon the filing of all necessary documents and payment of any fees by the applicant, issue a permit for the limited home occupation. Such permit shall be good for one year from the date of issue unless revoked sooner. Such permit shall be revoked by the Zoning Enforcement Officer if it can be shown that the holder of the permit has violated any of the conditions in Subsection A. 1 through 10 above. Thereafter, the holder of the revoked permit will have to apply to the Zoning Board of Review for a Special Use Permit for the home occupation under Article II Section 208 and Article V of this ordinance.

C) In addition to the revoking of any permit issued under this section for non-compliance with the conditions of subsection A. 1 through 10 above, each act of non-compliance shall be considered a separate violation of this ordinance and shall be subject to Article IX Section 903 of this ordinance.

## **213. Design Specifications:**

### **Institutional**

In all Institutional zones, no building facades shall be constructed with cinder block, dryvit, stucco, aluminum or vinyl siding. All facades shall be in brick, wooden shingle or clapboards. Prior to approval of any construction plans, the applicant must submit a rendering of the building and photographs of surrounding properties in order to insure that the structure will compliment and be in harmony with surrounding properties. In addition, all plans must be accompanied by a landscape plan that includes 5% of the property as landscaped, not including buffers from surrounding residential properties.

### **Commercial Village**

In all Commercial Village zones, no building facades shall be constructed with cinder block, dryvit, stucco, aluminum or vinyl siding. All facades shall be in brick, wooden shingle or clapboards, keeping in style with surrounding commercial buildings. Prior to approval of any construction plans, the applicant must submit a rendering of the building and photographs of surrounding properties in order to insure that the structure will compliment and be in harmony with surrounding properties. In addition, all plans must be accompanied by a landscape plan that includes 5% of the property as landscaped, not including buffers from surrounding residential properties.

### **Commercial Professional**

In all Commercial Professional zones, every attempt must be made to utilize current structures. In instances where this is not feasible, due to structural defects or obsolescence, the building must be constructed in a manner that is in keeping with surrounding properties. All facades shall be in brick, wooden shingle or clapboards, keeping in style with surrounding professional office buildings. Prior to approval of any construction plans, the applicant must submit a rendering of the building and photographs of surrounding properties in order to insure that the structure will compliment and be in harmony with surrounding properties. In addition, all plans must be accompanied by a landscape plan that includes 5% of the property as landscaped, not including buffers from surrounding residential properties.

### **Commercial General**

In all Commercial General zones, prior to approval of any construction plans, the applicant must submit a rendering of the building and photographs of surrounding properties in order to insure that the structure will compliment and be in harmony with surrounding properties. In addition, all plans must be accompanied by a landscape plan that includes 5% of the property as landscaped, not including buffers from surrounding residential properties.

## **Article III - Supplementary Regulations**

### **301. General**

The purpose of supplementary regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

### **302. Yard Regulations**

Yards required in this Ordinance and the space above them shall be unobstructed by building except as provided in this Article or otherwise provided in this Ordinance. In any yard in any district no fence or shrubs shall, within six (6) feet of the street line, exceed 36 inches in height.

### **303. Accessory Buildings**

No accessory building shall be located in any required front yard.

### **304. Swimming Pools**

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet, and less than thirty (30) inches deep, or with an area of less than 100 square feet shall be allowed in a district, except as an accessory use, and must comply with the following conditions and requirement:

A. The pool is intended and is to be used principally for the enjoyment of the occupants of the property on which it is located.

B. It may not be located closer than ten (10) feet from any property line and may not be located in any required front yard;

C. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by persons from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet nor more than six (6) feet in height, shall be maintained in good condition with a gate and lock, and must prohibit the passage of any object exceeding four inches in diameter; and

D. The pool shall have an apron no less than four (4) feet in width. Said apron shall be considered an accessory use.

E. A building permit is required for all pools under this section.

## **305. Parking or Storage of Major Recreation Equipment in R Zones**

In residence districts the parking or storage of major recreation equipment, which includes transient trailers, pick-up campers, coaches, motorized dwellings, tent trailers, boats, boat trailers and similar equipment, but does not include mobile homes, shall be regulated as follows:

A. Only one transient trailer, pick-up camper, coach, motorized dwelling, tent trailer, or boat trailer may be parked or stored on any lot in a residential district provided that such equipment be not more than ten (10) feet in height.

B. Only one boat not to be in excess of twenty-five (25) feet in length may be stored in a residence district provided that such equipment is not more than fifteen (15) feet in height measured from ground level to the highest point.

C. No such major recreation equipment, while parked or stored, shall be used for living, sleeping or housekeeping purposes.

D. Such recreation equipment must not be located closer than ten (10) feet from any side or rear lot line, nor may it be located in any required front yard area.

E. No major recreation equipment shall be stored out of doors in residence districts unless it is in condition for safe and effective performance of the function for which it was intended or can be made so within a six-month period.

F. Recreational Vehicles placed on sites within Zones A, AE, AH, AD and A 99 shall be either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet all standards of Section 60.3 (b)(1) or the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of Section 60.3.

## **306. Conversion of Dwelling to More Units**

A structure may be converted to accommodate an increased number of dwelling units if:

A. The multiple unit dwelling is specifically allowed in that district;

B. The yard dimensions and lot area equals the prescribed dimensions and area requirements for new multiple unit dwelling structures in that district;

C. Applicant must comply with Article IV.

## **307. Reduction of Yard Requirements**

A. In any C Zone, the Zoning Board of Review may as a special use permit allow the reduction of the front, side or rear yard requirements to conform to the average of the alignments of existing structures within 200 feet of the lot and on the same side of the street; except that no corner side yard shall be reduced to less than the depth of the required front yard of adjacent lots on the side street; nor shall any side or rear yard be reduced to less than the side or rear yard requirements in an abutting residential district.

B. In a residence district a garage may cover up to 25% of a side or rear yard but may be placed no closer than ten (10) feet to a lot line whenever said structure is of non-firerated construction, or closer than five (5) feet whenever said structure is of firerated masonry construction. Such a garage may be placed no closer than twenty-five (25) feet to a street lot line and may not exceed fifteen (15) feet in height.

## **308. Commercial Districts Abutting Residential Districts**

Lots in any commercial Zoning District which abut any residential Zoning District shall provide a side yard and/or a rear yard of at least 25 feet from all main or accessory buildings on the commercial zoned lot to the boundary of the residential zoned area in compliance with Article II, section 204 B of this Ordinance.

### **308A. Used Clothing**

Any used clothing (as defined in Article XIII herein) being sold by an individual, corporation, partnership or other business entity within the Town of North Providence, by way of Special Use Permit issued to him/her/it, shall not be sold by said individual, partnership, corporation or other business entity until said used clothing has been thoroughly cleaned by way of a dry cleaning procedure, laundromatic procedure or other similar procedure, prior to sale.

## **309. Manufacturing Uses Abutting Residential Districts**

In any Manufacturing Limited Zoning District a lot which contains any manufacturing use, which abuts any Residential Zoning District shall provide a side yard and/or a rear yard of at least 30 feet from all main or accessory buildings on the manufacturing limited zoned lot to the boundary of the residential zoned area in compliance with Article II, section 204 B of this Ordinance. In any Manufacturing General Zoning District a lot which contains any manufacturing use, which abuts any Residential Zoning District shall provide a side yard and/or a rear yard of at least 35 feet from all main or accessory buildings on the manufacturing general zoned lot to the boundary of the residential zoned area in compliance with Article II, section 204 B of this Ordinance.

### **309A. Sexual Oriented Business Uses Abutting any other Districts**

In any district where a sexually oriented business, including, but not limited to, an Adult cabaret, Adult Motion Picture Theater, Adult Theater, Sexual Encounter Center, Nude Model Studio, Escort Agency, Adult Arcade, Adult Bookstore is a permitted use, there must be a treed buffer zone surrounding the perimeter of the property on all four sides and of sufficient density so as to conceal the facility from the surrounding properties.

A sexually oriented business, including, but not limited to, an Adult cabaret, Adult Motion Picture Theater, Adult Theater, Sexual Encounter Center, Nude Model Studio, Escort Agency, Adult Arcade, Adult Bookstore is not permitted within 500 feet of a residential district, licensed day-care center, public or private elementary or secondary school, church, synagogue or regular place of religious worship, park, youth organization, or any other establishment or facility where minor children congregate. A sexually oriented business, including but limited to, an Adult cabaret, Adult Motion Picture Theater, Adult Theater, Sexual Encounter Center, Nude Model Studio, Escort Agency, Adult Arcade, Adult Bookstore is not permitted within 1,000' of another sexually oriented business, including but not limited to, an Adult cabaret, Adult Motion Picture Theater, Adult Theater, Sexual Encounter Center, Nude Model Studio, Escort Agency, Adult Arcade, Adult Bookstore.

## **310. Extension of Zoning District Boundary Lines**

Where a Zoning District boundary line divides a lot so that less than 50 percent is in a less restrictive zone, the Zoning Board of Review may permit by Special Use Permit, the application of the regulations for either portion of the lot to extend into the remaining portion of the lot, but not more than thirty (30) feet beyond the Zoning District Boundary line.



## **311. Screening and Fencing**

A. Screening of On Ground Utilities - Utility structures, substations, telephone exchange substations and similar uses shall be enclosed on at least three sides by a vegetative screen of hardy evergreens or shrubs at least three (3) feet high at time of planting or with a solid wall or opaque fencing at least six (6) feet high and which shall be sufficient to effectively provide a visual screen from adjacent R Zones.

B. Where a Dumpster is located on the property as an accessory use for other than a temporary period of time (not more than 60 days) the dumpster shall be enclosed on three sides by an opaque fence or masonry wall parallel to the height of the dumpster. In no case shall a dumpster be placed so as to block vision at lot corners and entrances. Dumpsters must have lids, all lids and doors must be closed at all times. Dumpsters on a lot abutting any R Zones must be at least 10 feet from the abutting R Zone lot line.

C. All multi-household structures that contain four or more dwelling units must provided a dumpster or dumpsters sufficient to store all refuse.

D. Fences - In all R Zones, fences shall not exceed three (3) feet in height in any front yard nor shall they exceed six (6) feet in height for other yards.

E. A property owner paying for a stockade fence placed within his property line shall have the right to face the pickets of said fence in any manner he pleases.

F. A satellite dish is an accessory use, and may be located in a side or rear yard, and in any district provided that all ground units shall be enclosed in the rear and two sides by an opaque fence six (6) feet in height.

## **312. Average Front Yard Depth**

Where the average front yard depth of adjacent existing structures is less than the minimum required in Article II, section 204, the main structure may be placed at a depth from the street lot line, which is the average of adjacent structures. Garages and accessory structures shall be brought no closer than 25 feet to a street lot line.

## **313. Outside Storage of Vehicles**

For all auto service stations, new and used car dealerships, recreational vehicle dealerships, garage repair shops, auto body shops, car washes, storage of vehicles, and similar types of uses,

overnight outside storage of any vehicles intended to be repaired or serviced shall be limited to one vehicle for every 500 square feet of total lot area.

In all R zones there shall be no outside storage of unregistered vehicles. In all R zones no vehicle shall be stored in any required front yard area except those vehicles used on a regular basis by the occupants of the residence where the vehicle is stored.

### **314. Outdoor Display of merchandise (Other than Vehicles and Boats)**

A. Except in all R Zones, outdoor display of merchandise (other than vehicles and boats) is permitted up to ten (10) percent of the gross floor area of the commercial establishment displaying such merchandise. Such outdoor display shall be located on the same lot as the main use or may be located on the adjoining municipal sidewalk only with the appropriate municipal permits and/or licenses. No additional parking shall be required for such additional area, provided existing parking is not reduced. The goods displayed shall be removed at the end of each business day.

B. Outdoor display of vehicles and boats shall be permitted where the underlying use is permitted, provided that all other dimensional requirements of this ordinance are met.

C. Outside display of merchandise in all R Zones shall require a special use permit in conformance with the provisions of Article V.

### **315. Vision Clearance at Corners**

In any triangle formed by two street lines and a third line joining the points on the street lines fifteen (15) feet from the point of intersection, no building or structures may be erected, no parking areas may be created and no vegetation or fencing may be maintained between the height of three (3) feet and ten (10) feet above the plane of the curb grades. Notwithstanding the provisions of this section, poles not exceeding eight (8) inches in outside diameter designed for the support of lights and signs, may be erected in this triangle. Trees with trunks not exceeding eight (8) inches in outside diameter with all foliage maintained at a height of at least ten (10) feet above the curb grade may be allowed in this triangle.

## **316. Temporary Mobile and Manufactured Homes or Trailers**

A single mobile and manufactured home or trailer for residential use may be located temporarily on a lot where a residential dwelling is already located, provided that all of the following conditions are satisfied:

- A. Use of the mobile and manufactured home or trailer is necessitated by a fire or other emergency rendering the permanent residence on the same lot unfit for habitation.
- B. The mobile and manufactured home or trailer is serviced by all of the utilities required for a residence by the State Building Code, including but not limited to public sewers or an individual sewage disposal system.
- C. The location of the mobile and manufactured home or trailer on the lot shall conform as nearly as possible to the front, side and rear yard requirements of the Zoning Ordinance that apply to that lot.
- D. The maximum period of time the mobile and manufactured home or trailer shall be permitted to remain on the lot shall be six months. The Building Official is hereby empowered to extend that period for good cause shown.

## **317. Flood Hazard Districts**

### **317-1 Purpose.**

The purpose of this Ordinance is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment and to maintain the capability of floodplains to retain and carry off floodwaters.

### **317-2 Applicability.**

A. The Town elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid act, provides that areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The requirements of Section 3 17 shall apply to any construction or other development which lies wholly or partly within an area of special flood hazard, as identified as Zone A, AE, AH, AO, A1-30, and A99 on the Flood Insurance Rate Map (FIRM) and Flood Hazard Boundary Map prepared by the Federal Emergency Management Agency dated March 2, 2009. Said Flood Map, including any amendments adopted after the date hereof, is hereby made part of this Ordinance. The exact boundaries of the District may be defined by

the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated March 2, 2009.

**B.** The degree of flood protection required by this Ordinance is considered reasonable but does not imply total flood protection. If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court, the remainder of the Ordinance shall control.

**C.** For the purposes of this section, "other development" shall be defined as any action exclusive of that which requires the issuance of a building permit under the Rhode Island State Building Code. Such other development shall include, but not necessarily be limited to, the following:

1. Earth, gravel or mineral removal or extraction.
2. Alteration of the topography by cutting, filling or grading
3. Storage of bulk materials outside of a structure.
4. Construction or placement of facilities or improvements not normally requiring a building permit.

**D.** The requirements set forth in this Ordinance shall be in addition to any other applicable requirements of town, state or federal law and any other regulation which may be applicable.

### **317-3 Definitions.**

Unless specifically defined below, words and phrases used in this Ordinance pertain to floodplain management, have the same meaning as they have in common usage and to give this Ordinance its most reasonable application.

**Accessory Structure** - A structure which is on the same parcel of property **as** the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**Area of Shallow Flooding** - A designated AO, AH, ARIAO, ARIAH, or VO zone on North Providence's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** - See definition for "Special Flood Hazard Area."

**Base Flood** - The flood having a one (1%) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

**Base Flood Elevation (BE)** - The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Basement** - Any area of the building having its floor sub-grade (below ground level) on all sides.

**Building** - See definition for "Structure."

**Cost** - As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall *include*, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be *excluded* include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**Development** - Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**Dry Flood-Proofing** - Any combination of structural and non-structural protection measures incorporated in a building that is not elevated above the base flood elevation that keeps water from entering the building to prevent or minimize flood damage. **Note:** For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is flood-proofed to one foot above the BFE.

**Existing Manufactured Home Park or Manufactured Home Subdivision** - A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site *gradmg* or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by North Providence.

**Expansion to an Existing Manufactured Home Park or Existing Manufactured Home Subdivision** - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA)** - The federal agency that administers the National Flood Insurance Program (NFIP).

**Finished Living Space** - Fully enclosed areas below the base flood elevation (BFE) that are not considered a basement cannot have finished living space and need to be designed to be exposed

to flood forces. These spaces can only be used for parking, building access or limited storage. Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheet rock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by flood waters and expensive to clean, repair or replace.

**Flood or Flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM)** - The official map of North Providence on which the Federal Emergency Management Agency (FEMA) has delineated the limits of the regulatory floodway and 100-year floodplain.

**Flood Insurance Rate Map (FIRM)** - The official map of North Providence on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990 may also show the limits of the regulatory floodway.

**Flood Insurance Study (FIS)** - The official study of North Providence in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

**Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway."

**Functionally Dependent Use or Facility** - A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

**Highest Adjacent Grade (HAG)** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** - Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a

state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior; or (2) Directly by the Secretary of the Interior in states without approved programs.

**Lowest Floor** - The lowest floor of the lowest enclosed area (including basement).

**Manufactured Home** - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

**Manufactured Home Park or Manufactured Home Subdivision** - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

**Market Value** - Market value is the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's Actual Cash Value.

**Mean Sea Level (MSL)** - Average height of the sea for all stages of the tide, usually determined from hourly height observations over a 19-year period on an open coast or in adjacent waters having free access to the sea. The National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) to which base flood elevations shown on a community Flood Insurance Rate Map (FIRM) are referenced.

**New Construction** - Structures for which the "start of construction" commenced on or after effective date of North Providence's floodplain regulations, and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Manufactured Home Subdivision** - A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by North Providence.

**Recreational Vehicle** - A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** - see definition for "Floodway."

**Sand Dunes** - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Sheet Flow Area** - See definition for "Area of Shallow Flooding."

**Special Flood Hazard Area (SFHA)** - The land in the floodplain within North Providence subject to a one (1%) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for Smithfield. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location, SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**Start of Construction** - For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** - A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**Substantial Damage** - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50%) percent of the market value of the structure as determined at the beginning of such ten (10) year period.



This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Variance** - A grant of dimensional relief by the North Providence Zoning Board of Review from the terms of this Ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship as defined by state law and the North Providence Zoning Ordinance.

**Violation** - Failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation** - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Wet Flood-Proofing** - Measures designed to minimize damage to a structure or its contents by water that is allowed into a building.

### **317-4 Permit Required.**

A. If applicable pursuant to Section 3 17 of this Ordinance, all construction requiring a building permit or approval of a subdivision plan by the North Providence Planning Board, and any "other development" as defined in this Ordinance, shall require the issuance of a flood hazard development permit (also referred to as development permit) by the Building Official or his/her or designee. Said permit shall be in a form authorized by said Building Official or his/her designee.

B. The application for a flood hazard development permit shall be submitted to the Building Official or his/her designee and shall include:

1. The name and address of the applicant;
2. An address or a map indicating the location of the construction site;
3. A site plan showing location of existing and proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;
4. A statement of the intended use of the structure;

5. A statement as to the type of sewage system proposed;
6. Specification of dimensions of the proposed structures;
7. The elevation (in relation to mean sea level) of the lowest floor, including basement, and if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above;
8. Base flood elevation data for all new, relocated or substantially improved structures;
9. The elevation (in relation to mean sea level) to which the structure will be flood-proofed;
10. The description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
11. The signature of the property owner and the applicant (if different than the owner).

C. Prior to the issuance of a development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law.

### **317-5 Permit Fee.**

A. A permit fee in the amount of \$100 shall be required to be paid to the Town of North Providence and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the Building Official or his/her designee and/or Zoning Board needs the assistance of a professional engineer. This additional fee will be in the amount of the charge of the engineer.

### **317-6 Review of Flood Hazard Development Permit Applications.**

- A. The Building Official or his/her designee shall:
  1. Review all applications for flood hazard development permits to determine that all pertinent requirements as described in Section 304-4(B) have been or will be met;
  2. Utilize, in the review of all flood hazard development permit applications, the base flood data contained in the "Flood Insurance Study--Town of North Providence, Rhode Island, Providence County," as described in Section 304-3;
  3. Make interpretations of the location of boundaries of special flood hazard areas shown on maps described in Section 304-3;
  4. In A Zones, in absence of FEMA BFE data and floodway data, obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the base flood level, and for flood-proofing or elevating non-residential structures to or above the base flood level;
  5. In review of flood hazard development permit applications, determine that all necessary permits have been obtained from those federal, state and local government agencies from which prior approval is required;
  6. Notify adjacent municipalities, the State Department of Environmental Management and the State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency

Management Agency and maintain copies of the carrying capacity of any altered watercourse; and Maintain, as a permanent record, copies of all flood hazard development permits issued and data relevant thereto, including reports of the Zoning Board of Review on variances.

### **317-7 Development Standards.**

The following standards shall apply to any construction or other development located wholly or partly within an area of special flood hazard as defined in Section 304-3. The Building Official or his/her designee shall also apply the current Rhode Island State Building Code, One and Two Family Dwelling Code, Plumbing Code, Mechanical Code, and Electrical Code.

**A.** No watercourse may be altered in a manner which will, in the opinion of the Building Official or his/her designee, result in any decrease in the capacity of the watercourse, and no land shall be graded or altered in such a manner as to increase the base flood elevation within the Town of North Providence. Where any alteration is permitted, the Building Official or his/her designee will notify the adjacent communities, the Rhode Island Statewide Planning Program and the Federal Emergency Management Agency.

**B.** In a regulatory floodway, any encroachment is prohibited which would cause any increase in the Base Flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the Base Flood discharge.

**C.** The filling or excavation of land may be permitted only under the following conditions:

1. Said action will not encroach upon a watercourse.
2. Said action will not result in an increase in the potential flood level. Where it is determined that said action may result in an increase in the potential flood level, the Building Official or his/her designee shall require appropriate measures to offset the potential increase. Adequate drainage shall be provided so as to reduce the exposure of the site or any other land to flood hazard.

**D.** No outdoor storage of materials or equipment which is likely to cause damage to property, create a potential obstruction to floodwaters, create a potential fire hazard or pollute the waters during flood periods shall be permitted in any special flood hazard area. Such materials or equipment shall include but not necessarily be limited to: lumber and other buoyant materials, water-soluble materials, volatile or flammable materials, acids or poisons.

**E.** Provision shall be made for anchoring facilities, equipment or yard features which are capable of movement or flotation in floodwaters. Such items shall include, but shall not necessarily be limited to: fences, sheds, animal shelters, tanks, storage boxes, planters, vehicles, boats and other items normally positioned or stored on a site outside of

a structure.

**F.** The use of flood-resistant materials shall be used for structures within an area of special flood hazard as defined in Section 304-3.

**G.** Construction methods and practices shall be used that minimize flood damage.

**H.** Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water entry to accumulation.

**I.** On-site waste disposal systems shall be designed to avoid impairment or contamination of the floodway.

**J.** New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration.

**K.** Base flood elevation data is required for subdivision proposals or other development greater than 50 lots or five (5) acres.

### **317-8 Specific Standards.**

#### **A. Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, AI-30, AE.**

##### **1. Residential Construction.**

All new construction, substantial improvements, and repair to structures that have sustained substantial damage shall have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation (BFE).

##### **2. Non-Residential Construction.**

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

(a) Have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation (BFE); or

(b) In lieu of being elevated, nonresidential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Rhode Island registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice

or meeting the provisions of this section. Such certification shall be provided to the Building Official or his/her designee.

### 3. Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings.

All new construction, substantial improvements, or repair of substantial damage to residential or non-residential structures that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building, shall be designed to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a Rhode Island registered professional engineer, land surveyor or architect, or meet the following minimum criteria listed in sections (a)-(g) below:

- (a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required;
- (b) The bottom of all openings shall be no higher than one (1) foot above grade. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
- (c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. Other coverings may be designed and certified by an engineer or approved by the Building Official or his/her designee;
- (d) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;
- (e) All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage;

(f) Electrical, plumbing, machinery or other utility equipment that service the structure (furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates;

(g) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 3 17-8(3). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry flood-proofed as per the requirements of Sections 3 17-8(3).

#### 4. Manufactured (Mobile) Homes and Recreational Vehicles (RVs).

(a) In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, substantially improved or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood;

b) All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors;

(c) All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level;

(d) Recreational vehicles placed on sites within a SFHA shall either: (i) be on the site for fewer than 180 consecutive days; and (ii) be fully licensed and ready for highway use; OR (iii) be elevated and anchored. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions;

(e) Public utilities and facilities in manufactured (mobile) homes or sub-divisions with a SFHA shall be constructed so as to minimize flood damage.

#### 5. Accessory Structures.

Detached accessory structures in Zones A, AE, A1-30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry flood proofing requirement if the following standards are met:

- (a) The structure is no more than 500 square feet and has a value less than \$3000;
- (b) The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated;
- (c) The structure is used solely for parking of vehicles and/or limited storage;
- (d) The accessory structure must be wet-flood proofed and designed to allow for the automatic entry and exit of flood water;
- (e) The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement;
- (f) Service facilities such as electrical, mechanical and heating equipment must be elevated or flood-proofed to or above the base flood elevation;
- (g) The structure must comply with the floodway encroachment provision in Section 3 17-8(3).

#### **317-9 Variance**

A. The North Providence Zoning Board of Review may hear and has the authority to grant or deny a dimensional variance as prescribed in this section subject to the criteria and requirements contained in state law and this Ordinance. In addition, the Board shall undertake the following in granting a dimensional variance from the provisions of this Ordinance:

- (a) Describe in its decision the exact extent of the dimensional variance granted.
- (b) Indicate in its decision that the granting of such dimensional variance may affect the flood insurance rates as they apply to the subject property up to amounts as high as \$25 per \$100 of insurance coverage, and further, that construction or other development below the base flood elevation may increase risk to life and property.
- (c) Forward a copy of its written decision and findings to the applicant, the Building Official or his/her designee, the Rhode Island Statewide Planning Program and the Federal Insurance Administration in the annual report of the Town to the Administration.

B. No variance may be granted which will result in any increase in flood levels.

#### **317-10 Enforcement.**

A. It shall be the duty of the Building Official or his/her designee, to enforce the

provisions of this Ordinance. If the Building Official or his/her designee finds that any provisions of this Ordinance are being violated, he or she shall notify, in writing, the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.

**B.** When the above action does not result in the correction or abatement of the violation, the Town Solicitor, upon notice from the Building Official or his/her designee, is hereby authorized and directed to institute any and all actions, whether legal or equitable, necessary to enforce this Ordinance. Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a violation of this Ordinance and shall be subject to a fine of \$500.00 for each violation. Each day such violation continues is a separate offense and a violator shall be subject to a fine of \$100.00 per day until the violation is corrected or abated.

## **318. Storage Sheds**

Storage sheds located in a residential zoning district shall be located no less than three (3) feet from a side or rear yard line. Sheds shall not exceed one hundred fifty (150) square feet in area nor fifteen (15) feet in height.

## **Article IV - Nonconformance**

### **401. Nonconformance**

A nonconformance is a building, structure (including a sign), or parcel of land, or use thereof, which was lawfully existing at the time of the adoption or amendment of this Ordinance, and not in conformity with the provisions of this Ordinance or amendment.

### **402. Lawfully Existing or Established**

A building, structure or the use of land was lawfully established if it was in existence prior to September 8, 1959 or was established in conformance with the Zoning Ordinance in effect at the time the use was first established. A lot was lawfully established if it was of record or shown on a recorded plat prior to June 29, 1967 and was separately owned. All other lots that were not lawfully established are not protected by this Article. For the purposes of this Ordinance, the



creation and/or the use of a parcel of land for a particular use which was legal at the time the parcel of land was created and/or used, shall not serve to create the lawful establishment or lawful existence of any use that was not legal at the time of creation and/or use of the land, regardless of subsequent changes in allowable legal uses.

### **403. Nonconforming by Use**

A lawfully established use of land, building, or structure which is not a permitted use in the zoning district in which it is located, as set forth in Article II, is nonconforming by use.

### **404. Nonconforming by Dimension**

A lawfully established building, structure, or parcel of land not in compliance with the dimensional regulations of this Ordinance is Nonconforming by dimension. Dimensional regulations include all regulations of this Ordinance, other than those pertaining to the permitted uses. A lawfully established building, structure, parcel of land, or use thereof, not in compliance with the parking regulations of this Ordinance, as set forth in Article VII is also Nonconforming by dimension. A lawfully existing or lawfully established lot that is not in compliance with the dimensional regulations of the this Ordinance, including, but not limited to those regulations for minimum lot size, lot width and lot frontage, (also known as a substandard lot of record) is also Nonconforming by dimension.

### **405. Nonconforming by Dwelling Units**

A building or structure containing more dwelling units than are permitted by the use regulations of this Ordinance shall be Nonconforming by use. A building or structure containing a permitted number of dwelling units by the use regulations of this Ordinance, but not meeting the lot area per dwelling unit regulations, shall be Nonconforming by dimension

### **406. Most Restrictive Regulations to Apply**

A building, structure or parcel of land Nonconforming by more than one factor, such as by use, dimension, area or parking, shall comply with all regulations of this Article. Where the regulations conflict, the most restrictive regulations shall apply.

## **407. Existence by Variance or Special Use Permit**

A Nonconforming building, structure, sign, or parcel of land or the use thereof, which exists by virtue of a variance or a special use permit (or a special exception) granted by the Board, shall not be considered a non conformance for the purposes of this Article, and shall not acquire the rights of this Article. Rather, such building, structure, sign, parcel of land, or use thereof, shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this Ordinance, shall require a further variance or special use permit from the Board.

## **408. Building or Structure Nonconforming by Use**

### **A. Continuance of Use**

Nothing in this Ordinance shall prevent or be construed to prevent the continuance of a nonconforming use of any building or structure for any purpose to which such building or structure was lawfully established.

### **B. Maintenance and Repair**

A building or structure containing a Nonconforming use may be maintained repaired and renovated except when the cost of repairs/renovations exceed 75% of the appraised value of the property as determined by the most recent publication of the North Providence Tax Roll.

### **C. Moving**

A building or structure containing a Nonconforming use shall not be moved in whole in part either on or off the lot on which it is located unless the use contained within such building or structure is made to conform to the use regulations of the zone in which it is relocated.

### **D. Addition and Enlargement**

A building or structure containing a Nonconforming use shall not be added to or enlarged in any manner, including any addition or enlargement of floor area or volume, unless the use contained within such building or structure, including such addition and enlargement, is made to conform to the use regulations of the zone in which it is located.

### **E. Expansion**

A Nonconforming use of a building or structure shall not be expanded into any other portion of the building or structure which contains a conforming use or which is unoccupied or unused.

#### F. Intensification

A Nonconforming use of a building, structure or land shall not be intensified in any manner. Intensification shall include, but not be limited to, increasing hours of operation, increasing the number of dwelling units or increasing the seating capacity of a place of assembly. However, this Section shall not prohibit the reconfiguration of existing dwelling units within a building or structure so long as such reconfiguration complies with the requirements of this Article.

#### G. Change of Use

(1) Within any zone, a nonconforming use shall only be changed to a permitted use. A Nonconforming use, if changed to a permitted use, may not be changed back to a Nonconforming use.

(2) Within any C or M Zone, a Nonconforming use may be changed to a permitted use, or may be changed to a different Nonconforming use by special use permit in accordance with this Article. A Nonconforming use, if changed to a permitted use, may not be changed back to Nonconforming use.

#### H. Abandonment

If a Nonconforming use is abandoned, it may not be reestablished. Abandonment of a Nonconforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the Nonconforming use neither claims nor retains any interest in continuing the Nonconforming use unless the owner can demonstrate an intent not to abandon the use. An involuntary interruption of Nonconforming use, such as by fire and natural catastrophe, does not establish the intent to abandon the Nonconforming use. However, if any Nonconforming use is halted for 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.

## **409. Building or Structure Nonconforming by Dimension**

#### A. Continuance

Nothing in this Ordinance shall prevent or be construed to prevent the continuance of the use of any building or structure Nonconforming by dimension for any purpose to which such building or structure was lawfully established.

## B. Maintenance and Repair

A building or structure containing a Nonconforming use may be maintained repaired and renovated except when the cost of repairs/renovations exceed 75% of the appraised value of the property as determined by the most recent publication of the North Providence Tax Roll.

## C. Moving

A building or structure which is Nonconforming by dimension shall not be moved in whole or in part to any other location on the lot in which it is located unless every portion of such building or structure is made to conform to all of the dimensional requirements of the Zone in which it is located.

## D. Addition and Enlargement

A building or structure Nonconforming by dimension shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all of the dimensional regulations of the Zone in which the building or structure is located.

## E. Expansion

A conforming use within a building or structure which is Nonconforming by dimension (other than by lot area per dwelling unit) may be expanded into any other portion of the building or structure which is unoccupied or unused.

## F. Intensification

A conforming use within a building or structure which is Nonconforming by dimension may be intensified, provided that such intensification is in conformance with the use and lot per dwelling unit regulations, if applicable, for the Zone in which it is located.

## G. Change in Use

A conforming use within a building or structure which is Nonconforming by dimension may be changed to any other conforming use.

## H. Demolition or Destruction

If a legal non conforming use is destroyed by accident or act of God to the extent of 100% of the current fair market value of the structure, or if it is lawfully demolished at the direction of the owner, it shall not be rebuilt unless it conforms to the provisions of this Ordinance. If such structure is damaged to an extent of less than 100% of said value, it may be restored, provided the location and total floor area are not increased or altered. Nothing shall prevent the performance of normal maintenance work or work necessary to comply with safety codes on a legal non-conforming use.

## **410. Land Nonconforming by Use**

### **A. Continuance**

The lawfully establish nonconforming use of land, where no building is involved, may be continued, provided that no such Nonconforming use of land shall in any way be expanded or intensified either on the same or adjoining property.

### **B. Change of Use**

The Nonconforming use of land shall not be changed to a different use, unless such use conforms to the use regulations of the Zone in which it is located.

## **411. Enlargement of Undersized 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.

## **412. Buildings or Structure Nonconforming by Parking**

A building or structure is considered Nonconforming by parking if the lawfully established use of the building or structure does not meet the parking requirements of Article VII.

### **A. Addition Enlargement, Expansion and Intensification - Non-residential Uses**

A non-residential building or structure, or use of land, Nonconforming by parking, may be added to, enlarged, expanded or intensified provided additional parking space is supplied to meet the requirements of Article VII for such addition, enlargement, expansion or intensification.

### **B. Addition, Enlargement, Expansion and Intensification - Residential Uses**

Any residential building or structure Nonconforming by parking, may not be added to, enlarged, expanded or intensified, unless brought into full compliance with the parking requirements of Article VII, such that sufficient parking is provided for the entire structure including the original portion and the addition, enlargement, expansion or intensification.

### C. Change of Use

A building or structure Nonconforming by parking, may be changed to a different use, pursuant to all other provision of this Ordinance, provided that such new use meets the following parking requirements. The number of additional parking spaces required shall be the difference between the number of spaces required for the proposed use and the number of spaces required for the previous use. In the event that the new use requires less parking spaces than the previous use, no additional parking space need be supplied. However, none of the existing parking spaces shall be eliminated unless the total number of spaces required by this Ordinance for the new use are provided.

## **413. Substandard Lots of Record**

No lot area shall be so reduced that yards, total area, and lot width shall be less than prescribed for the district in which the lot is located. No yard or open space provided around any building for the purpose of complying with the provisions of this ordinance shall again be used as a yard or open space for any other building.

A lot smaller than the minimum area and width required by this ordinance, which was a lot of record on the effective date of this amendment, which is separately owned may be used for a single family dwelling in any RS, RL, RG, CL or CG district provided that said lot shall have minimum width of 40 feet and a minimum area of 3,200 square feet, and further provided that connection is to be made to a public water and sanitary sewer.

In all zoning disticts where adjacent lots which are smaller than the minimum area and width required by this ordinance, which were lots of record on the effective date of this amendment, are held under the same ownership, they shall be combined to form a lot which meets the minimum requirements of the zoning district where such lots are located.

Notwithstanding any provisions of this Ordinance to the contrary, a lot of record which was conforming at the time of passage of this Ordinance and which would be rendered non-conforming by the provisions of this Ordinance, need not be combined with contiguous land and shall continue to be considered conforming. The intensity regulations existing immediately prior to the passage of this ordinance shall govern such a lot.

In all R Zones where a single household dwelling may be erected on a substandard lot in accordance with the provisions of this section of the Ordinance, one of the side yards may be reduced from ten feet to six feet provided that the side of the dwelling unit facing the reduced yard area is of firerated construction, designed and constructed to the satisfaction of the Building Official.

## **Article V - Variances and Special Use Permits**

### **501. Application**

An application for relief from the literal requirements of a Zoning Ordinance because of hardship or an application for a special use permit may be made by any person, group, agency or corporation, provided that the owner or owners of the subject property must join in any application, by filing with the Zoning Enforcement Officer an application describing the request and supported by such data and evidence as may be required by the Board. An application shall be signed by the owner of the subject property or by the attorney or duly authorized agent of the owner. An application from a corporation must be signed by its attorney or duly authorized officer of the corporation. The Zoning Enforcement Officer shall immediately transmit such application received to the Board and shall transmit a copy of each application to the Planning Board.

All applications shall be accompanied at the time of filing by a plot plan drawn to scale and stamped by a Registered Land Surveyor, Engineer or Architect showing the location of all lot and street lines, existing and proposed structures and utilities of the property which is the subject of the appeal or application. All applications shall also be accompanied by a plat map showing lot and street lines and approximate location of structures of premises adjacent to the property which is the subject of the appeal or application, a list of all property owners within two hundred (200) feet of the subject property and any other information as may be required by the rules of the Board.

Pursuant to RIGL Section 45-24-41 & 45-24-42, the Zoning Board may grant both a dimensional variance and a special use permit simultaneously. If the special use could not exist without the dimensional variance, the Zoning Board of Review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based upon both the special use criteria and the dimensional variance evidentiary standards.

### **502. Hearing and Notice**

The Zoning Board shall, immediately upon receipt of an application, request that the Planning Board shall report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan of the Town, in writing to the Board within thirty (30) days. The Board shall hold a public hearing on any application for variance or special-use permit in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice thereof at least fourteen (14) days prior to the date of the hearing, which notice shall include the precise location of the subject property, including the street address, and a description of the relief sought, as follows:

A. In a newspaper of general circulation in the Town, and

B. By Certified First Class Mail to:

(1) all owners of the subject property in question; and

(2) all property owners of record of land within two hundred (200) feet of the property, which is the subject of the application, whether within the Town or within an adjacent city or town; and

(3) 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 two hundred (200) feet of the boundary of the subject property; 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 two thousand (2,000) feet of the subject property, regardless of municipal boundaries; and

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

C. All costs of notification shall be borne by the applicant.

D. Any party may appear at any hearing in person or by agent or attorney.

## **503. Standard for Variances**

A. In granting a variance, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

(1) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area; and not due to a physical or economic disability of the applicant;



(2) that said hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;

(3) that the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town; and

(4) that the relief to be granted is the least relief necessary.

B. The Board shall in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

(1) in granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this Ordinance. Non conforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance; and

(2) in granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of the owner's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

## **504. Applicability**

The Zoning Board may grant a special use permit, following review by the Planning Board, in accordance with the procedures and standards set forth in Article V of this Ordinance, for any use or structure designated as a special use permit in Article II or elsewhere in this Ordinance.

## **505. Standards for Special Use Permits**

The Zoning Board of Review may not grant a special use permit unless it finds the following:

A. That the use will comply with all applicable requirements as set forth in Article V and Article II or elsewhere in this Ordinance, except, if a dimensional variance is granted simultaneously with said special use permit.

B. That the use will be in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan of the Town of North Providence.

C. That the granting of the special use permit will substantially serve the public convenience and welfare.

D. That the use will not result in or create conditions inimical to the public health, safety, morals, and general welfare.

E. That it will not substantially or permanently injure the appropriate use of surrounding property.

## **506. Consideration of the Board in Granting Special Use Permits**

In granting any special use permit, the Board shall consider whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:

A. Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe;

B. Off-street parking and loading areas where required, with particular attention to the items in (A) above, and the noise, glare or odor effects of the special use permit on adjoining lots;

C. Trash, storage and delivery areas with particular reference to the items in (A) and (B) above;

D. Utilities, with reference to locations, availability and compatibility;

E. Screening and buffering with reference to type, dimensions and character;

F. Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district;

G. Required yards and other open space;

H. Public access to water bodies, rivers, and streams:

I. Access to air, light, views and solar access;

J. General compatibility with lots in the same or abutting Zoning Districts.

## **507. Extending or Enlargement of a Special Use Permit**

The Zoning Board of Review may not extend or enlarge a special use permit except by granting a new special use permit.

## **508. Special Conditions**

In granting a variance or special-use permit, or in making any determination upon which it is required to pass after a public hearing under this Ordinance, the Board may apply such special conditions that may, in the opinion of the Board, be required to promote the intent and purposes of the Comprehensive Plan of the town and this Ordinance. Failure to abide by any special condition attached to a grant shall constitute a zoning violation. Such 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:

- A. Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
- B. Controlling the sequence of development, including when it must be commenced and completed;
- C. Controlling the duration of use or development and the time within which any temporary structure must be removed;
- D. Assuring satisfactory installation and maintenance of required public improvements;
- E. Designating the exact location and nature of development; and
- F. Establishing detailed records by submission of drawings, maps, plats, or specifications.

## **509. Expiration of Variances and Special Use Permits**

Any variance or special use permit shall expire one year after the date of the filing of the resolution with the Town Clerk unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. The Board may, upon written request and for cause shown prior to the expiration of the initial one year period, renew the variance or special use permit for a second one year period. Said request for an extension need not be advertised.

Should an applicant fail to begin construction with a legal building permit, or obtain a certificate of occupancy within the second one year period, the Board may upon written request prior to the

expiration of the second one year period, renew the variance or special use permit for a third one year period provided that the applicant can demonstrate due diligence in proceeding and substantial financial commitment in promoting the subject of the variance or special use permit since the date of the filing of the resolution, and notice shall be given in accordance with Article V Section 502 and a hearing shall be held on the request.

None of the year periods shall run during the pendency of any Superior Court actions seeking to overturn the grant.

## **Article VI - Signs**

### **601. Purpose**

The purpose of this Article is to recognize the function of signs in the Town, to provide for their inclusion under the Zoning Ordinance, and to regulate and control all matters relating to such signs, including location, size and purpose. Signs are an accessory use and are permitted only in conjunction with permitted uses. Such signs are intended to advertise goods, services, facilities, events or attractions available on the premises where located, to identify the owner or occupant or to direct traffic on the premises. It is the further purpose of this Article to preserve locally recognized values of community appearance; to safeguard and enhance property values in residential, commercial and industrial areas; to protect public investment in and the character of public thoroughfares; to reduce hazard to motorists and pedestrian traveling on the public way, and thereby to promote the public health, safety and welfare. These purposes will be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage.

### **602. Conformance**

No sign will be permitted as a main or accessory use except in accordance with the provisions of this Article.

### **603. Signs Permitted in All Zones**

The following signs are permitted in all zones:

A. Government - Signs of every kind and nature erected by or on behalf of any federal, state or local government agency, including official traffic control or informational signs, hazard warning signs, legal notices, railroad crossing signs or other similar signs required by law.

B. Name Plates - One name plate for each dwelling unit, not internally illuminated, and not exceeding 1 1/2 square feet in area, indicating the name of the occupant or any permitted occupations.

C. Identification - Wall signs, which may not be internally illuminated, and which are permanently affixed to buildings for the purpose of identifying the name of the building, date of erection or other historical information, provided that such signs are composed of similar materials as the building, or bronze or brass, and are affixed flat against the building.

D. Credit Card Signs - Credit card signs, non-illuminated, limited to a total area on one (1) square foot per structure.

E. Bulletin Boards - Signs used as bulletin or notice board to announce activities and events for institutional and government services. Such signs shall be located upon the premises of said institutions and shall not exceed ten (10) square feet in area. In all R zones, such signs shall be set back a minimum of ten (10) feet from any property line abutting a residential use. Such signs may not be internally illuminated.

F. Temporary Signs - The following temporary signs, whether fixed or portable, are permitted in all zones:

(1) Signs, which may not be internally illuminated, for events by nonprofit or charitable organizations, including exterior messages for national and state holiday; provided, however, that no such temporary sign may be erected for a period of more than thirty (30) consecutive days in any year nor more than seven (7) days prior to the event plus the duration of the event, with a total of thirty (30) cumulative days throughout the year. In all R and C zones, such signs shall be limited to 32 square feet in area and set back a minimum of ten (10) feet from any property line.

(2) Rental or sale signs, freestanding or attached to the premises, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall not be illuminated, nor extend over the sidewalk, and further provided that:

a) Within all R zones, such signs shall not exceed a total area of six (6) square feet and shall be removed within fourteen (14) days of the real estate closing or lease transaction.

b) Within all C zones, such signs shall not exceed a total area of twelve (12) square feet, and shall be removed within thirty (30) days of the real estate closing or lease transaction.

c) Within all M zones, such signs shall not exceed a total area of thirty-two (32) square feet, and shall be removed within thirty (30) days of the real estate closing or lease transaction.

(3) Construction signs and "grand opening" signs, non-illuminated, customary and necessary in connection with the erection of buildings or other construction work or signs for businesses where road construction obscures the existing sign or signs for such business, limited to one sign per street frontage for each construction project. Such sign may be freestanding or attached to the premises, but shall not exceed thirty-two (32) square feet in area, and shall be removed within thirty (30) days of the completion of construction or the opening of the business. In all R zones, such signs shall not exceed 12 square feet in area, and shall be set back a minimum of ten (10) feet from any property line.

(4) A sign, which may not be internally illuminated, solely for the purpose of identification when a property owner's sign has been damaged or destroyed by circumstances beyond the owner's control, provided however, that no such temporary sign may be erected for a period of more than thirty (30) consecutive days. Such signs shall be limited to thirty-two (32) square feet in area and set back a minimum of ten (10) feet from any property line.

## **604. Sign Permit Required**

A sign permit shall be obtained from the Building Official for all signs under Article VI-603 (E), (F)(1), (3) and (4) above.

## **605. Signs Prohibited in all Zones**

The following signs shall be prohibited in all zones in the Town:

A. Hazardous Signs - Signs determined by the Police Department to constitute a traffic or other safety hazard by reason of size, location, or type of illumination.

B. Flashing Signs - A sign which contains an intermittent or sequential flashing light source used primarily to attract attention.

C. Billboards - Freestanding and roof mounted billboards.

D. Signs on Utility Poles - Utility poles owned by any governmental agency or utility company shall not be used for any type of sign or message other than those specifically erected by such governmental agency or utility company.

## 606. Sign Types

The following sign types, if permanently mounted (not portable), are permitted in the Town in accordance with the requirements of this Article:

A. Canopy Sign - A sign painted on or attached to a hood, awning or roof-like canopy. Individual letter, words or symbols may be affixed or applied to any surface, provided that area of the sign does not exceed the maximum area allowed in Section 608 of this Article. A canopy sign is not considered a projecting sign. In no event shall such sign or part thereof be erected closer than 2 feet to the curb line.

B. Directional Sign - A sign identifying on-premise traffic, parking or other functional activity bearing no commercial advertising. Such signs are permitted in all zones except R Zones, and shall be limited to four (4) square feet in area per sign.

C. Freestanding Sign - A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure, but not any kind of antenna) that is not itself an integral part of or attached to a building. A sign that stands without supporting elements, such as "sandwich sign", is also a freestanding sign. All permanently installed freestanding signs shall be protected from vehicular circulation and parking areas.

D. Projecting Signs - A sign that is perpendicular to the plane of the building to which it is affixed, or which projects more than fifteen (15) inches beyond said exterior wall. In no event shall such sign or part thereof be erected closer than 2 feet to the curb line.

E. Roof Sign - A sign that projects more than two (2) feet above the roof, parapet or ridge line of the building; or mounted upon any roof, parapet or ridge line of a building.

F. Wall Sign - A sign that is affixed to or painted on the face of any exterior wall or door of a building or fence; is parallel or approximately parallel to the plane of the building to which it is affixed; and does not project more than fifteen (15) inches beyond said exterior wall, nor project more than two (2) feet above the roof, parapet or ridge line of the building, whichever is higher.

G. Window Sign - A sign that is attached to the inside of any window or situated within a building, so that the sign is visible from the public right of way.

## 607. Sign Measurements

All permitted signs shall be measured as follows:

A. Area - Measured in square feet, the entire area within a square, rectangle, circle, triangle or any other polygon enclosing the extreme limits of graphic, writing or similar representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of the one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

B. Height - Measure in feet, the overall height of a sign is measured from the grade directly below the sign to the highest point of the sign or any of its supports.

C. Setback - Measured in feet from the outermost edge of the sign to the public right-of-way.

D. Projection Over Public Right of Way - Measurement in feet, perpendicular to the property line, from the property line to the outermost edge of the sign, over any public right of way.

E. Maximum Permitted Sign Area - In all Zones but the R Zones, the maximum permitted area for signs on a building shall be based on the building frontage. Where a building fronts on two or more streets, the total area for signs for each street frontage shall be based on the building frontage for that street. For gas stations, street frontage shall be used to calculate the permitted total area of signs. For any drive-in business that has a booth for employees only and with no public access, including a gas station, the maximum area of signs shall be based on the street frontage, and on a corner lot, only one street frontage shall be used to calculate the maximum sign area.

## 608. Size of Permitted Signs by Zone

A. R Zones - Wall or window sign to identify each permitted home occupation and one sign to display the name of a permitted nonresidential use. Such signs may be externally illuminated. The total area of all such signs shall not exceed six (6) square feet on any lot.

B. C Zones - Canopy, freestanding, projecting, wall or window sign to identify on-site premises of permitted uses. The maximum total area of all signs on any premises shall not exceed one and a half (1.5) square feet per one (1) foot of building frontage. Window



signs shall not be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited to one half of the total allowable square feet of sign space. Only one freestanding sign is permitted per street frontage.

C. M Zones - Canopy, freestanding, projecting, roof, wall or window sign to identify on-site premises of permitted uses. The maximum total area of all signs on any premises shall not exceed four (4) sq. ft. per one (1) foot of building frontage. Window signs shall not be included in the above calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited to one half of the total allowable square feet of sign space. Only one freestanding sign is permitted per street frontage.

## **609. Illumination**

A. Externally Illuminated Sign - Any sign which is illuminated by a light that reflects off the surface of the sign from an external source, shall be considered an externally illuminated sign.

B. Internally Illuminated Sign - Any sign shall be considered an internally illuminated sign where the source of the illumination is inside the sign and light emanated through the message of the sign. Signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, also shall be considered internally illuminated signs.

## **610. Nonconforming Signs**

Any sign which lawfully existed and was maintained at the time this Ordinance became effective, may be continued. Maintenance, repairs and changing of sign faces are permitted provided that there is no change in area, height, setback, projection or lighting of the existing sign.

## **611. Special Use Permits for Signs**

The Board, as provided for in Article V of this Ordinance, may grant a special use permit, provided that all other requirements of this Ordinance are met, to allow any particular sign to be increased in area by 40 % over the requirements in this Article, provided that the total area of all

permitted signs on the building does not exceed the maximum permitted sign area by more than 30 %.

## **Article VII - Standards for Parking Lots and Loading Facilities**

### **701. General Requirements**

No building or structure other than single-household dwellings shall be erected, substantially altered or its use changed, unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance. Provided, however, that single-household dwellings with accessory apartments shall be governed by the applicable provisions of this Article

### **702. Submission of Plans**

Plans and specifications for the required parking, loading facility and access drives shall be submitted at the time of application for the building permit for the main use.

### **703. Location**

All parking facilities required under this Article shall be constructed on the same zoning lot containing the main use, or on abutting lots, the zoning of which permits such parking. In addition, no parking areas or loading facility, exclusive of driveways, shall be located within five (5) feet of a street right of way line or abutting property line.

### **704. Paving**

All parking and loading facilities required under the terms of this Ordinance, together with driveways, aisles, and other circulation areas, shall be improved with an impervious material to provide a durable and dust-free surface, to be applied over no less than twelve (12) inches of compacted gravel.

## **705. Lighting**

Any parking area, which is intended to be used during non-daylight hours, shall be fully illuminated during the hours of operation of the principal use. Any lights used to illuminate a parking lot shall be so designed as to reflect the light away from adjoining property and away from streets.

## **706. Screening and/or Landscaping**

Whenever a parking or loading area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by a solid wall, opaque fence or compact planting screen located on a landscaped buffer strip not less than ten (10) feet wide. Such fence, wall or planting screen shall not be less than five (5) feet, nor shall any fence or wall be more than six (6) feet in height, and shall be maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. Areas between parking facilities and public rights-of-way shall be suitably landscaped and, when possible, suitable trees shall be utilized in this area and the trees to be utilized shall be approved by the Town Tree Warden or Zoning Officer prior to installation. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, the Zoning Board of Review may by special use permit, allow the development of such parking or loading area without such fence, wall or planting screen.

## **707. Drainage**

All parking and loading areas shall provide for proper drainage of surface water, such drainage to be satisfactory to the Director of Public Works of the Town of North Providence, according to the standards set forth in the Subdivision Regulations of the Town of North Providence.

## **708. Wheel Blocks**

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the parking facility setback line.

## 709. Width of Access Driveways

Access driveways serving any required parking lots as a direct access drive from a street shall not be less than twelve (12) feet for one-way only traffic and not less than twenty-four (24) feet for two-way traffic.

## 710. Minimum Off-Street Parking Requirements

For the purpose of this Ordinance, the following minimum parking space requirements shall apply (an individual parking space shall be at least 9 feet by 18 feet, a parking space including aisles shall have no less than 350 sq. ft. per vehicle):

| <u>Type of Use</u>  | <u>Minimum Parking Spaces Required</u>  |
|---|---|
| <b><u>Residential</u></b>   |   |
| Single household dwellings  | Two for each dwelling unit  |
| Apartments or multi-household dwellings or condominiums   | Two and one-half (2.5) for each dwelling unit   |
| Residence with accessory apartment  | Two (2) for principal dwelling One (1) for accessory apartment  |
| Boarding houses, rooming houses or dormitories  | One (1) for each sleeping room or 1 1/2 for each occupant   |
| Hotels and Motels   | One space for every unit or room  |
| <b><u>Manufacturing</u></b>   |   |
| All types of manufacturing, storage and wholesale uses permitted in any manufacturing district; freight or passenger terminals. | One (1) for every two (2) employees (on the largest shift for which the building is designed) plus one for each motor vehicle maintained or used on the premises (minimum of four (4) spaces) |
| <b><u>Commercial</u></b>  |   |
| Automobile service stations   | One (1) for each employee, minimum two (2) and four (4) for each service bay  |
| Commercial "Drive-in" establishments  | One (1) space for each 90 sq.ft. floor area or a minimum of ten (10)spaces, whichever is greater  |
| Lunchrooms, restaurants, taverns, etc.  | One (1) space for each three person (3) of total capacity in accordance with the NFPA as enforced by the AHJ.   |
| Retail stores (under 1500 sq. ft. GFA)  | One (1) for each 200 sq. ft. of gross   |

|   |  |
|---|--|
|   | leasable floor area (GFA) (Minimum of three (3) spaces)  |
| Retail stores (over 1500 sq. ft. GFA) and shopping centers  | One (1) for each 180 sq. ft. gross leasable floor area (GFA)   |
| Restaurants, nightclubs and similar uses  | One (1) car space for every three (3) seats or persons of capacity   |
| Sexually oriented business, including but not limited to, an Adult Cabaret, Adult Motion Picture Theater, Adult Theater, Sexual Encounter Center, Nude Model Studio, Escort Agency, Adult Arcade, Adult Bookstore | One (1) for every two (2) seats of capacity  |
|   |  |
| <b><u>Personal, Business &amp; Professional Services</u></b>  |  |
| Offices, public or professional administration or service buildings   | One (1) for each 250 sq. ft. of floor area   |
| Banks, financial institutions and similar uses  | One (1) for each 200 sq. ft. of floor area   |
| Theaters, concert halls, auditoriums and similar uses   | One (1) for each three (3) seats of total capacity   |
| Funeral parlors, mortuaries and similar uses  | One (1) for each three (3) seats of total capacity   |
| Personal Trainers (by appointment only)   | One (1) for each 250 sq.ft. of floor area  |
| Health Club (Open to the Public)  | One (1) per 100 sq. feet of total sq. footage  |
|   |  |
| <b><u>Governmental, Institutional &amp; Educational</u></b>   |  |
| Churches and other places or religious assemble   | One (1) for each five (5) seats  |
| Hospitals   | One (1) for each bed   |
| Sanitariums, homes for the aged, nursing homes, asylums and similar uses  | One (1) for each three (3) beds  |
| Medical, dental and Emergency Rooms   | One (1) for every 10 sq.ft.floor area of examination, treating room, office and waiting room (Minimum four (4) spaces)   |
| Libraries, museums and art galleries  | One (1) for each 400 sq. ft. floor area (Minimum of four (4) spaces)   |
| Kindergartens, child care centers, nursery schools and similar uses   | Two (2) for each classroom but not less than six (6) for the building  |
|   |  |
| <b><u>Recreation</u></b>  |  |
| Athletic fields and courts (private)  | One (1) space for each four (4) persons of total capacity  |
| Swimming pool, ice rink, community club or hall (private)   | One (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each 30 sq. ft. floor area used for seating purposes whichever is greater |

## **711. Parking for Accessory Dwelling Units**

All parking spaces for the single-household dwelling unit and the accessory dwelling unit shall meet the following criteria:

- A. All parking spaces shall be surfaced with a suitable pervious or impervious material;
- B. No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be located in outdoor parking spaces in a side or rear yard or in a garage or carport;
- C. In addition to the two (2) parking spaces required for the single-household dwelling unit, an additional parking space shall be provided for the accessory dwelling unit for a total of three (3) required spaces.

## **712. Waiver of Certain Parking Requirements**

In any C Zoning District, off-street parking and loading facilities as required by this Ordinance may be waived by the Zoning Enforcement Officer, if he shall determine that adequate public parking facilities, either on-street or off-street, exist in the district or in the surrounding area, which by virtue of their location and nature would promote the objectives of this Ordinance.

## **713. Loading Space Requirements and Dimensions**

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, sixty (60) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fourteen (14) feet. Off-street loading spaces shall be provided for all manufacturing and commercial uses as follows:

- A. At least one off-street loading space shall be provided and maintained on the same lot for every use having a gross floor area of up to five thousand (5000) sq. ft.
- B. One additional loading space shall be provided for each additional twelve thousand (12,000) sq. ft. or fraction thereof of gross floor area.

## **714. Prohibition of Parking of Commercial Vehicles in Residential Zoning Districts**

The storage or parking of any commercial vehicle or bus in excess of 9500 lbs gross weight shall be prohibited in all residential zoning districts including but not limited to driveways, roadways, vacant lots or residential yards. This section shall not prohibit such vehicles from making normal deliveries in said districts between 7:00 A.M. and 9:00 P.M.

## **Article VIII - Special Provisions**

### **801. Vested Rights**

An applicant shall be vested and an application shall be deemed substantially complete for the purposes of this Ordinance if it complies with one of the following sections of this Article: sections 802, 803, 804 or 805.

### **802. Development Not Requiring Planning Board or Zoning Board Approval**

Where no Planning Board approval or Zoning Board approval is required, an applicant is vested when the Building Official certifies that the application (for a building permit) is complete. The applicant is vested under the Zoning Ordinance and regulations in effect at the time of certification, not on the date of application.

### **803. Development Requiring Planning Board Approval**

Where only Planning Board approval is required, an applicant is vested on the date that the Planning Board certifies the application is complete. The applicant is vested under the Zoning Ordinance and regulations in effect at the time of certification not the date of application.

## **804. Development Requiring Zoning Board Approval**

Where only Zoning Board approval is required, an applicant is vested when the Zoning Enforcement Officer certifies that the application is complete pursuant to Article IX of this Ordinance. The applicant is vested under the Zoning Ordinance and regulations in effect at the time of certification, not the date of application.

## **805. Development Requiring Both Planning Board and Zoning Board Approval**

Where both Planning Board and Zoning Board approvals are required for development, an applicant is vested when the Zoning Enforcement Officer certifies that the plans are complete under the respective guidelines and regulations of the Subdivision and Zoning Ordinance including Article IX of this Ordinance. The applicant is vested under the Zoning Ordinance and regulations in effect at the time of the certification, not the date of application.

## **806. Administrative Modifications**

A. General - The Zoning Enforcement Officer may, pursuant to the provisions of this Section, grant a modification or adjustment from the literal dimensional requirements of Article II herein in the instance of the construction, alteration, or structural modification of a structure or lot of record, to a limited degree as determined herein. Administrative modifications are limited to minor structural items that are part of the primary structure.

### **B. Procedure**

(1) The applicant shall submit, on a form prescribed by the Zoning Enforcement Officer together with a proposed site plan, the need and justification for the requested modification.

(2) Within ten (10) days of receipt of a request for a modification, the Zoning Enforcement Officer shall make a decision as to the suitability of the requested modification 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 zoning ordinance of the city or town;

d) The modification requested does not require a variance of a flood hazard requirement; and

e) The relief to be granted is the least relief necessary.

(3) Upon an affirmative determination, the Zoning Enforcement Officer shall notify, by registered or certified mail, all owners of property abutting the property which is the subject of the modification request, as shown on the latest Tax Assessor's records, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of general circulation within the city or town that the modification will be granted unless written objection is received within thirty (30) days of the public notice.

a) If written objection is received within thirty (30) days, the request for a modification shall be denied. In that case 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.

b) If no written objections are received within thirty (30) days, the Zoning Enforcement Officer shall grant the modification.

(4) The Zoning Enforcement Officer may apply such special conditions to the permit as may, in the opinion of the officer, be required to conform to the intent and purposes of the zoning ordinance.

(5) The Zoning Enforcement Officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received.

(6) Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

### C. Maximum Modifications

The Zoning Enforcement Officer may grant dimensional modifications for building setbacks and lot widths only up to, but not to exceed, the following:

(1) Maximum Modifications Table

Building Setbacks and Lot Width Modifications

| <b>Zoning District</b>     | <b>Front Yard</b> | <b>Rear Yard</b> | <b>Side Yard</b> | <b>Lot Width</b> |
|----------------------------|-------------------|------------------|------------------|------------------|
| <b>Residential Zones</b>   |                   |                  |                  |                  |
| RS12 & 8                   | 5 feet            | 5 feet           | 2.5 feet         | 10 feet          |
| RL10 & 13                  | 5 feet            | 5 feet           | 2.5 feet         | 10 feet          |
| RG                         | 5 feet            | 5 feet           | 2.5 feet         | 10 feet          |
| <b>Commercial Zones</b>    |                   |                  |                  |                  |
| CP                         | 3.5 feet          | 3.5 feet         | 3.5 feet         | -----            |
| CV                         | 3.5 feet          | 3.5 feet         | 3.5 feet         | -----            |
| CG                         | 3.5 feet          | 3.5 feet         | 3.5 feet         | -----            |
| <b>Manufacturing Zones</b> |                   |                  |                  |                  |
| ML                         | 3.5 feet          | 7 feet           | 3.5 feet         | -----            |
| MG                         | 6 feet            | 8 feet           | 6 feet           | -----            |

No other dimensional modifications shall be allowed except in accordance Article V of this Ordinance.

(2) Should a dimensional modification be approved, nothing herein shall obligate the Zoning Enforcement Officer to approve the maximum modification.

## **807. Development Plan Review**

A. Development plan review is hereby required by the Zoning Board for all new construction of commercial, manufacturing and multi-household uses including:

- (1) Any new commercial, manufacturing or multi-household structure.
- (2) Any expansion of a commercial, manufacturing or multi- household structure.
- (3) Any new construction of commercial recreational structures.
- (4) Any change of a residential use to a commercial, manufacturing, multi-household or institutional use.

B. Development Plan Contents - Every development plan submitted in accordance with this Section shall show the following:

- (1) Name and address of the owners and developers of the tract.
- (2) Boundary of the entire tract and any adjacent or contiguous parcels in the same ownership.
- (3) Area and proposed use of tract.
- (4) Date, scale, north arrow and number of sheets:
  - a) Plan must be designed to scale by either an architect or engineer licensed in the State of Rhode Island.
  - b) When more than one (1) sheet is required, a cover sheet drawn to suitable scale shall show the whole site and indicate match lines for each page of the plan.
- (5) All building setback lines, easements and rights-of-way.
- (6) Detail of adjacent properties and public ways as they related to the subject premises, to the neighborhood and to the street pattern.
- (7) Fire lanes as approved by the Fire Chief.
- (8) Stamp of a registered engineer or registered land surveyor.

C. Required Improvements - The following improvements may be required by the Town:

- (1) Sidewalks or easements for future sidewalks to connect stores and buildings within the site and to adjacent sites.
- (2) Construction of travel lanes not less than twelve (12) feet in width, to permit travel on the site and to and from adjacent parking area and adjacent property or where deemed necessary a separation between parking areas.
- (3) Connection wherever possible of all walkways, travel lanes and driveways with similar facilities in adjacent developments.
- (4) Screening, fences, and/or walls where adjacent to residential districts.
- (5) Adequate drainage system for the disposition of storm and natural waters.
- (6) Temporary and permanent erosion and sedimentation control measures.
- (7) Curbs and sidewalks as required by the provision of this Ordinance and other ordinances of the Town.

(8) Landscaped area and planting strips between the parking area and the street and adjacent property and other landscaping treatment including, but not limited to, trees suitable to the area which compliment the surrounding area that will enhance that premises and make the parking area acceptable and attractive. The types and methods of planting may be specified.

(9) The location of signs in relation to overall plan.

(10) Existing and proposed topography with a maximum of two foot contour intervals.

#### D. Procedure for Processing

(1) Pre-Submission Conference - before submitting a development plan, an applicant for development plan approval shall meet with a staff member of the Planning Department to discuss the proposed project, and to establish what documents and information the applicant must submit. The required contents of the development plan will depend on the scope and complexity of the proposed project. The staff member may recommend that the Development Plan Review Board vary or waive the required information if it is deemed unnecessary or burdensome.

(2) Submission to the Zoning Enforcement Officer - Three (3) sets of development plans shall be submitted to the Zoning Enforcement Officer, who shall review said plans for compliance with the Zoning Ordinance, and if said plans are in compliance with said Ordinance, he shall forward said plans to the Development Plan Review Board for their review.

E. Development Plan Review Board - There is hereby established a Development Plan Review Board which shall consist of the Building Official, the Director of the Planning Department, the Director of the Public Works Department, the Fire Marshall, the Crime Prevention Officer ("CPO"), a non-voting member of the Town Council and the Planning Board Chairman. The Building Official shall chair the board and the Planning Director shall be the board secretary. The Board may request and shall receive assistance from all other Town departments in the performance of their review.

## **Article IX - Administration and Enforcement**

### **901. Zoning Board of Review**

A. Establishment and procedures - A Zoning Board of Review, herein call the "Board," is hereby created. Board members may be remunerated in the performance of official duties, at an amount to be established by the Town Council. The Board, with the approval of the Town Council may

engage technical assistance to aid in the discharge of its duties. The Zoning Enforcement Officer shall serve as staff to the Board. The Town Solicitor or Assistant Town Solicitor shall serve as legal counsel to the Board. The Board shall establish written rules of procedure within six (6) months of the adoption of this Ordinance. Appeals and correspondence to the Board shall be sent to the Board in care of the Zoning Enforcement Officer. The Zoning Enforcement Officer shall file all records and decisions of the Board.

B. Membership - The zoning board of review shall consist of five (5) members who are residents of North Providence, appointed by the Town Council, each to hold office for the term of five (5) years; provided, however, that the original appointments shall be made for terms of one(1), two(2), three(3), four(4) and five(5) years respectively. The Board shall also include two(2) alternates, to be appointed by the Town Council, to be designated as the first (1st) and second (2nd) alternate members, for terms of five (5) years. These alternate members shall sit and may actively participate in hearings. The first (1st) alternate shall vote if a member of the Board is unable to serve at a hearing and the second (2nd) shall vote if two (2) members of the Board are unable to serve at a hearing. In the absence of the first (1st) alternate member, the second (2nd) alternate member shall serve in the position of the first (1st) alternate. No member or alternate may vote on any matter before the Board unless they have attended all hearings concerning such matter. No member or alternate may participate in any way whatsoever on any matter for which they would have a conflict of interest as defined by the Rhode Island law and the Rhode Island Ethics Commission. Vacancies in unexpired terms of Board members shall be filled by the Town Council no more than ninety (90) days following the vacancy. Members may be removed by the Town Council for due cause and for not attending three (3) consecutive meetings.

C. Prior Members - Members of the Board serving on the effective date of adoption of this Ordinance shall be exempt from provisions of this Article respecting terms of originally appointed members until the expiration of their current terms.

D. Chair - The board shall, at its first meeting following the adoption of this Ordinance, and in January of each year thereafter, elect a chairperson, vice-chairperson and secretary from its membership. The chairperson, or in his/her absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses by the issuance of subpoenas.

E. Powers and Duties -The Board shall have the following powers and duties:

- (1) To hear and decide appeals in a timely fashion where it is alleged there is error in any order, requirement, decision, or determination made by an administrative officer or agency in the enforcement of interpretation of this Ordinance.
- (2) To authorize upon application, in specific cases of hardship, variances in the application of the terms of this Ordinance.
- (3) To authorize upon application, where specified in this Ordinance, special use permits.

(4) To refer matters to the Planning Board, Planning Department, Development Plan Review Board or to other boards or agencies of the Town as the Board may deem appropriate, for findings and recommendations.

(5) To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one (1) or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked, upon motion of the Board, after a public hearing with due notice, in the instance where any necessary state or federal agency approvals are not received within the time period specified in the conditional zoning approval.

(6) To hear and decide such other matters, according to the terms of this Ordinance or other statutes, and upon which the Board may be authorized to pass under this Ordinance or other statutes.

F. Voting - The Board shall be required to vote as follows:

(1) Five (5) active members shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself/herself, and shall not sit as an active member and shall take no part in the conduct of the hearing. Only five (5) active members shall be entitled to vote on any issue.

(2) The concurring vote of three (3) of the five (5) members of the Board sitting at a hearing shall be necessary to reverse any order, requirement, decision or determination of any administrative officer or board from whom an appeal was taken.

(3) The concurring vote of four (4) of the five (5) members of the Board sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the Board upon which it is required to pass under this Ordinance, including variances and special use permits.

G. Application Procedure - Application procedures and forms for the filing of appeals, request for variances, special use permits, development plan review, and such other applications as may be specified in this Ordinance, shall be prepared by the Zoning Enforcement Officer and published.

H. Fees - Reasonable fees may be required, in an amount to be established by the Town Council, to be paid by the appellant or applicant for the adequate review and hearing of approvals, applications, issuance of zoning certificates and the recording of the decisions thereon.

I. Decisions and Record of the Zoning Board of Review - Following a public hearing, the Board shall render a decision within twenty (20) days. The Board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the Zoning Enforcement Officer within ten (10) working days from the date when the decision was rendered, and shall be a public record. The Board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to

vote, indicating such fact, and shall keep records of its examinations, findings of fact, and other official actions, all of which shall be recorded and filed in the office of the Zoning Enforcement Officer in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior or supreme court, the Board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.

J. Any decision by the Board, including any special conditions attached thereto, shall be mailed to the applicant, to the Planning Board, and to the Associate Director of the Division of Planning of the Rhode Island Department of Administration. Any decision evidencing the granting of a variance or special use permit shall also be recorded in the land evidence records of the Town.

## **902. Enforcement Duties**

It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this Ordinance in the manner and form and with the powers provided in the law of the State and in the Charter and Ordinances of the Town. The Zoning Enforcement Officer shall refer all applications for variances, special use permits and other appeals to the Zoning Board of Review. The Zoning Enforcement Officer shall make a determination in writing, within fifteen (15) days, to any written complaint received, regarding a violation of this Ordinance. In order to provide guidance or clarification, the Zoning Enforcement Officer shall, upon written request, issue a zoning certificate or provide information to the requesting party within fifteen (15) days of the written request. Any determination of the Zoning Enforcement Officer may be appealed to the Board in accordance with Article X of this Ordinance. The Zoning Enforcement Officer shall be appointed by the Mayor under this Ordinance and shall be empowered to perform any and all acts consistent with the powers and duties of the Zoning Enforcement Officer as provided for in this Ordinance. The Zoning Enforcement Officer, who may be the Building Official, shall be a person with a minimum of two (2) years of related experience.

## **903. Penalties and Enforcement**

A. 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, or any requirement attached to the granting of a special exception, special use permit, or variance by the Zoning Board of Review shall be fined up to five hundred dollars (\$500) for each offense, such fine to inure to the Town. Each day of the existence of any violation shall be deemed a separate offense. The erection, construction, enlargement, intensification, conversion, moving or maintenance of any building or structure and the use of any land or building or structure which is continued, operated or maintained, contrary to any of the provisions of this Ordinance is hereby declared to be a violation of this Ordinance and unlawful. The Zoning Enforcement Officer shall be empowered to levy such fines, with appeal thereupon to the Municipal Court. Upon finding that any of the provisions of this Ordinance are being violated, the Zoning Enforcement Officer

shall notify in writing the person responsible for such violation(s), indicating the nature of the violation, and ordering the action necessary to correct it. Such notice shall contain the date by which compliance with said order must be completed. The Zoning Enforcement Officer shall establish the compliance date based upon the amount of time reasonable required to so comply, subject to the following:

(1) The maximum time to be allowed shall be thirty (30) days.

(2) The minimum time to be allowed shall be five (5) days; unless the Zoning Enforcement Officer finds as a fact that the violation constitutes an immediate hazard to the public health, safety, morals and welfare, in which case the minimum time to be allowed shall be twenty-four (24) hours. If compliance has not been made within the stipulated time period, the Zoning Enforcement Officer shall notify the Town Solicitor, or other such legal counsel of the Town of the violation of this Zoning Ordinance.

(3) Immediately upon notification of any violation, the Town Solicitor shall be empowered to institute injunction, abatement or any other appropriate action in any appropriate court to prevent, enjoin, abate or remove such violation, or compel compliance with the provisions of this Ordinance.

B. The Town Solicitor may consolidate an action for injunctive relief and/or fines under this Ordinance in the Superior Court for Providence County.

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

## **904. Building Permits Required**

A. No building or other structure shall hereafter be erected, enlarged, relocated, demolished, or structurally altered until a permit authorizing the same shall have been issued by the Building Official.

B. No building permit shall be issued by the Building Official except in conformity with the provisions of this Ordinance and other applicable ordinances.

C. No building permit shall be issued to erect, relocate or enlarge any building or structure on a paper street unless the developer has complied with Town Ordinances on the opening of said paper street.

D. No building permit shall be issued until a permit to open a curb cut for access to said property is obtained from the Director of Public Works or his agent if on a Town accepted highway or from the State of Rhode Island Department of Transportation if on a state highway.



E. No building permit shall be issued unless a site plan shall be submitted to the Building Official indicating the intended use and its conformity in all respects to the provisions of this Ordinance. Such site plan shall be 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 provisions of this Ordinance. A site plan shall not be required with an application for a permit involving the alteration of an existing building(s), where the use and exterior dimensions of the buildings are not changed or enlarged in any manner.

## **905. Certificate of Use and Occupancy**

It shall be unlawful to use, occupy or to permit the use or occupancy of any structure, building or land, or part thereof which is hereafter created, erected, changed, or wholly or partially altered in its use or structure until a Certificate of Use and Occupancy shall have been issued therefore by the Building Official stating that the proposed use of the building, structure or land conforms to the requirements of this Ordinance.

## **906. Record of Certificates of Occupancy and Building Permits**

The Building Official shall maintain a record of all Certificates of Use and Occupancy and building permits and a copy shall be furnished upon request to any person.

## **907. Expiration of Building Permit**

Building permits shall expire six (6) months from the date of issuance unless construction is commenced within said period of time and diligently prosecuted until completion.

## **Article X - Appeals**

### **1001. Appeals to the Zoning Board of Review**

A. Procedure - An appeal to the Board from a decision on any enforcement agency or officer, or the Planning Board when acting under the provisions of this Ordinance, may be taken by an aggrieved party. Such appeal shall be taken within thirty (30) days of the date of the recording of

the decision of the officer or agency, or within thirty (30) days of the time when the aggrieved party knew or should have known of the action or decision of such officer or agency. The appeal shall be commenced by filing an application with the Board, with a copy to the officer or agency from whom the appeal is taken, specifying the ground thereof. The officer or agency from whom the appeal is taken shall forthwith transmit to the Board all papers, including any transcript or audio tapes, constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the Planning Board.

B. Stay of Proceedings - An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the appeal shall have been duly filed, that by reason of facts stated in the certificate, a stay would in the officer's opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of competent jurisdiction on application thereof and upon notice to the officer from whom the appeal is taken on due cause shown.

C. Public Hearing -The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof in the same manner as set forth in Article V, Section 502 of this Ordinance, as well as due notice to the parties of interest, and decide the same within 20 days of the hearing. The hearing of any appeals shall be at a separate meeting from the hearing of any variance or special use permit applications, although such hearings may be held on the same day or night. At the hearing, any party may appear in person or by agent or by Attorney. The officer or a designated individual of the agency, commission, or board from whom the appeal is taken shall appear before the Zoning Board at the hearing to represent such agency, commission or board. Other members of the agency, commission or board may appear and be heard, but shall not represent the agency, commission or board. The cost of any notice required for the hearing shall be borne by the appellant.

D. Decisions and Records of the Board - In exercising its powers in ruling, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm wholly or partly and may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer or agency from whom the appeal was taken. All decision and records of the Board respecting appeals shall conform to the provisions of Article IX of this Ordinance.

## **1002. Appeals to Superior Court**

An aggrieved party may appeal a decision of the Board to the Superior Court for Providence County by filing a complaint setting forth the reasons of appeal within twenty (20) days after such decision has been filed with and posted by the Town Clerk. The decision shall be posted in a location visible to the public in the Town Hall for a period of twenty (20) days following the recording of the decision. The Board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such facts as may be pertinent, with the Clerk of the Court within thirty (30) days after being served

with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the Board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, at its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

### **1003. Appeal of Enactment of or Amendment to Zoning Ordinance**

An appeal of the enactment of or an amendment to this Ordinance may be taken to the Superior Court for Providence County by filing a complaint within thirty (30) days after such enactment, or amendment has become effective. The complaint shall set forth with specificity the area or areas in which enactment or amendment does not conform with the Comprehensive Plan and/or the manner in which it constitutes a taking of private property without just compensation. Such appeal may be taken by an aggrieved party or by any legal resident or landowner of the Town, or by any association of residents or landowners of the Town. This appeal shall not stay the enforcement of the Zoning Ordinance, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

## **Article XI - Adoption and Amendments**

### **1101. Power of Town Council to Adopt - Consistency with Comprehensive Plan**

For the purpose of promoting the public health, safety, morals, and general welfare, the Town Council shall have the power, in accordance with the provisions of RIGL 45-24, to adopt, amend, or repeal, and to provide for the administration, interpretation, and enforcement of this Zoning Ordinance. The provisions of this Zoning Ordinance are set forth as contained herein and incorporate the Official Zoning Map or Maps of the Town. The Zoning Ordinance, and all amendments thereto, shall be consistent and in accordance with, and provide for the implementation of the North Providence Comprehensive Plan.

## **1102. Adoption or Amendment of Zoning Ordinance**

A. Procedure - Other than for proposals originated by the Town Council, the Zoning Enforcement Officer shall be the officer to receive a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map(s). Immediately upon receipt of such proposal, the Zoning Enforcement Officer shall refer such proposal to the Town Council and the Planning Board for study and recommendation. If the proposal originates with the Town Council, the Town Council shall refer such proposal to the Zoning Enforcement Officer and the Planning Board. The Planning Board shall report to the Town Council within forty-five (45) days after receipt of the proposal, giving its findings and recommendations. The Town Council shall hold a public hearing within sixty-five (65) days of receipt of proposal, giving proper notice as prescribed in this Article. The Town Council shall render a decision on any such proposal within forty-five (45) days after the date of completion of the public hearing. The provisions of this subsection pertaining to deadlines shall not be construed to apply to any extension consented to by any applicant who submits an amendment or repeal proposal.

B. Review by Planning Board - Among its findings and recommendations to the amendment or repeal of this Ordinance or zoning map, the Planning Board shall:

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

(2) include a demonstration of the recognition and consideration of each of the applicable purposes of zoning as presented in Article I of this Ordinance.

C. Notice and Hearing Requirements

(1) No zoning Ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Town Council. The Town Council shall first give notice of such public hearing by publication of notice in a newspaper of general circulation within the Town at least once each week for three(3) consecutive weeks prior to the date of such 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 to the proposed Ordinance. Written notices, which may be a copy of said newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration, and, where applicable, to the parties specified in subsections (2), (3), (4) and (5) of this section, at least two (2) weeks prior to the hearing. Such newspaper notice shall be published as a display advertisement, using a type at least as large as the normal type size used by the newspaper in its news articles, and shall:

a) specify the place of said 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, or 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 proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

(2) Where a proposed general amendment to an existing Ordinance includes changes in an existing zoning map, public notice shall be given as required by Subsection (1) of this section.

(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 in Subsection (1) of this section, 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 Town boundaries where appropriate; and

b) written notice of the date, time and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located in or within two hundred (200) feet of the perimeter of the area proposed for change, whether within the Town of North Providence or within an adjacent city or town to 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 (1) or more of the following pertain:

a) which is located within two hundred (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 two thousand (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 two thousand (2,000) feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water company has filed with the Zoning Enforcement Officer in the Town a map

survey, which shall be kept as a public record, showing area of surface water resources and/or watersheds and parcels of land within two thousand feet (2,000') thereof.

(6) No defect in the form of any notice under this section shall render this Ordinance or any amendment to it invalid, unless such defect is found to be intentional or misleading.

(7) Costs of any notice required under this section shall be borne by the applicant.

(8) In granting an amendment to this Ordinance, the Town Council may limit the change to one (1) or more of the permitted uses in the zone to which the subject land is re-zoned, and impose such limitations, conditions and restrictions, including without limitation:

a) requiring the petitioner to obtain a permit or approval from any and all Federal State or local governmental agencies having jurisdiction over the land and use which are subject to the zoning change;

b) relating to the effectiveness or continued effectiveness of the zoning change; and/or

c) relating to the use of the land as it deems necessary.

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

## **1103. Adverse Decision**

Where the Town Council denies a request for an amendment, the Town Council may not consider another application requesting the same identical action for a period of one year from the date of such denial.

## **1104. Fees**

The fee for each application for an amendment, shall be as established by the Town Council from time to time.

## **1105. Maintenance of Zoning Ordinances**

The Town Clerk shall be the custodian of this Zoning Ordinance and zoning map or maps created there under. The Zoning Enforcement Officer shall be responsible for maintenance and update of the text and zoning maps comprising this Ordinance. Changes which impact the zoning maps shall be depicted on the map within ninety (90) days of such authorized change(s).

## **1106. Publication and Availability of Zoning Ordinance**

Printed copies of this Ordinance and Zoning Map(s) shall be available to the general public through the Town Clerk and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs.

Upon publication of this Ordinance and Zoning Map(s), and any amendments thereto, the Town Clerk shall send a copy, without charge, to the Associate Director of the Division of Planning of the Department of Administration of the State of Rhode Island, and the State Law Library.

Two (2) copies of the Zoning Ordinance shall be maintained at the Salvatore Mancini Union Free Library and Cultural Center with all amendments as may be made from time to time.

## **Article XII - Reserved**

Reserved

This section left intentionally blank

## **Article XIII - Definitions**

**-A-**

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

Accessory Dwelling Unit - See Accessory Family Dwelling Unit.

Accessory Family Dwelling Unit - An accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress or egress.

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 shall not be permitted without the principal use to which it is related.

Aggrieved Party - An aggrieved party, for purposes of this chapter, shall be: (a) any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering the zoning ordinance of the Town; or (b) anyone requiring notice pursuant to this Ordinance.

Agricultural Land - "Agricultural land", as defined in RIGL, Section 45-22.2-4

Airport Hazard Area - "Airport hazard area", as defined in RIGL, Section 1-3-2.

Antique/Collectible Shop - Any retail commercial establishment that deals in the sale of used merchandise, including but not limited to used clothing, used furniture, used household goods, and collectibles that are over twenty-five (25) years old or are collectible due to their limited quantities.

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

**-B-**

Base Flood - the flood having a one-percent possibility of being equaled or exceeded in any given year.

Billboard - Any sign or advertising device, free-standing or located on a building or wall, which is not related to a use on the premises.

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.

Building - Any structure 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 build; by other regulations; and/or any combination thereof.

Building Height - The vertical distance from grade in conformance with the Rhode Island Building Code, to the top of the highest point of the roof or structure. This distance excludes spires, chimneys, flag poles and the like.



-C-

Child Day Care Center – means any person, firm, corporation, association, or agency who, on a regular or irregular basis, receives any child under the age of sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart from the child’s parent or guardian for any part of a twenty-four (24) hour day irrespective of compensation or reward. It shall include childcare programs that are offered to employees at the worksite. It does not include nursery schools or other programs of educational services subject to approval by the commissioner of education.

Common ownership - Either: (1) ownership by one or more individuals or entities in any form of ownership of two (2) or more contiguous lots; or, (2) ownership by an association (such ownership may also include a municipality) of one or more lots under specific development techniques.

Community Residence - A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include half-way houses or substance abuse treatment facilities. This shall include, but not be limited to, the following:

- (a) Whenever six (6) or fewer retarded children or adults reside in any type of residence in the community, as licensed by the state pursuant to RIGL, Chapter 24 of title 40.1. All use requirements pertaining to local zoning are waived for those community residences.
- (b) A group home providing care or supervision, or both, to not more than eight (8) mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to RIGL, Chapter 24 of title 40.1;
- (c) A group home providing care or supervision or both, to not more than eight (8) children including those of the care giver and licensed by the state pursuant to RI General Laws, chapter 72.1 of title 42;
- (d) A community transitional residence providing care or assistance, or both, to not more than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor more than two (2) years. Residents will have access to and use 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.

Comprehensive Plan - The comprehensive plan adopted and approved pursuant to RIGL 45- 22.2 of this title and to which any zoning adopted pursuant to this Ordinance shall be in compliance.

**-D-**

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

Day Care - Family Day Care Home - Any home other than the individuals' home in which day care in lieu of parental care or supervision is offered at the same time to six (6) or fewer individuals who are not relatives of the care giver, but may not contain more than a total of eight (8) individuals receiving day care.

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; any change in use, or alteration or extension of the use of land, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

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 the ordinance.

District - See "Zoning Use District"

Dormitory - A structure used for housing unrelated individuals in suites. Such a structure usually has dining, kitchen and sanitary facilities common to all suites.

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 ground waters, and the prevention and/or alleviation of flooding.

Dumpster and Similar Trash Disposal Bins - A container for holding refuse, the total of which is in excess of, or equal to 20 cubic feet.

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

**-E-**

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.

**-F-**

Facades - A building face, including the front, side or rear of the building.

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

Flood Boundary and Floodway Map - an official map of the Town on which FEMA has delineated the "Regulatory Floodway". This map should not be used to determine the correct flood hazard zone or base flood elevation, the Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

Flood Elevation Study - and examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM) - an official map incorporated with this Ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of North Providence.

Flood Insurance Study - see "Flood Elevation Study"

Flood plains, or Flood Hazard Area - As defined in RIGL, Section 45-22.2-4.

Front Yard - The area between a road line and a line parallel thereto drawn through the nearest point of a structure, extending between side lot lines.

**-G-**

Groundwater - "Groundwater" and associated terms, as defined in RIGL, Section 46-13.1-3.

**-H-**

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.

Hardship - see RIGL, Section 45-24-41.

Historic District, or Historic Site - As defined in RIGL, Section 45-22.24.

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

Household - One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation

and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. Any individual household shall consist of any one of the following: (a) a family, which may also include servants and employees living with the family; or (b) a person or group of unrelated persons living together, not to exceed 5. (see also: Dwelling Unit)

**-I-**

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

**-L-**

Land Development Project - A project in which one or more lots, tracts, 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.

Lodging or Guest Home - A structure devoted to the leasing of three or more rooms or suites, such suites usually consisting of a single room with common sanitary and dining facilities.

Lot - Either:

(a) the basic development unit for determination of lot area, depth, and other dimensional regulations; or

(b) 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.

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

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

Lot Depth - The distance measured from the front lot line to the rear lot line. For lots where the front and rear lines are not parallel, the lot depth is an average of the depth.

Lot Frontage - That contiguous portion of a lot abutting a road. non-contiguous frontage shall not be included when considering whether a lot meets the dimensional requirements of Article II of this Ordinance.

Lot Line - A line of record, bounding a lot, which divides one lot from another lot or from a public or private road or any other public or private space and shall include:

(a) Front: the lot line separating a lot from a road right-of-way. the front lot line on lots fronting on more than one road shall conform to Article II

(b) Rear: the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and,

(c) Side: any lot line other than a front or rear lot line.

(d) Corner - A lot at the junction of and fronting on two or more intersecting streets.

Lot of Record - A parcel of land recorded by deed or recorded plat in the office of the Town Clerk of North Providence.

Lot, Through - A lot which fronts upon two (2) parallel roads, or which fronts upon two (2) roads which do not intersect at the boundaries of the lot. At least one lot frontage shall meet minimum zoning requirements for the district.

Lot Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

**-M-**

Main Use - The general use to which a lot of land or structure is dedicated and advertised.

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

Multi-Household Dwelling - is any dwelling with 3 or more units.

**-N-**

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 such ordinance or amendment. nonconformance shall be of only two (2) types:

(a) Nonconforming by use: a lawfully established use of land, building, or structure which 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 a zoning ordinance shall be nonconforming by use; or

(b) Nonconforming by dimension: a building, structure, or parcel of land not in compliance with the dimensional regulations of the zoning ordinance. Dimensional

regulations include all regulations of the zoning 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 a zoning ordinance shall be nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

**-P-**

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

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

Planned Development - A "land development project", as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common area.

Portable Sign - A sign which is not permanently affixed to the ground, building or wall and exceeds 20 square feet in area.

Preapplication 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.

**-R-**

Rear Yard - The area between a rear lot line and a line parallel thereto drawn through the nearest point of a structure, extending between side lot lines.

Recreational Vehicle - a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

Regulatory Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

Resale Shop - Any retail, commercial establishment that is involved in the sale of used merchandise, including but not limited to, used clothing, used furniture, used household goods, or other similar used items to the general public.

Road - Public highway of the Town of North Providence or the State of Rhode Island or a road within a subdivision approved by the Planning Board in accordance with the Town Subdivision Regulations.

**-S-**

**Setback Line or Lines** - A line or lines parallel to a lot line at the minimum distance of the required setback for zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

**Side Yard** - The area between a side lot line and a line parallel thereto drawn through the nearest point of a structure, extending from the front yard to the rear yard, or if there is no rear yard, to the rear lot line.

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

**Special Use** - A regulated use which is permitted pursuant to the special-use permit issued by the Zoning Board of Review, pursuant to RIGL, Section 45-24-42 and Article V of this Ordinance. (Formerly referred to a special exception.)

**Special Flood Hazard Area** - an area having flood, mudslide, and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, AI-30, AE, A99, AH, VO, VI-30, VE, V, M or E.

**Start of Construction** - includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement or manufactured home on a foundation. Permanent construction does not include land perpetration, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; not does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**Street** - Includes street, avenue, highway, boulevard, parkway, road, lane, alley, and other ways designated for vehicular or pedestrian travel.

**Structure** - Anything constructed which requires location on or attachment to the ground; includes building, does not include paving and planting.

**Substandard Lot of Record** - Any lot lawfully existing at the time of adoption or amendment of a zoning ordinance and not in conformance with the dimensional and/or area provisions of that ordinance.

**-T-**

**Town** - the Town of North Providence

Two or More Household Dwelling- A structure that has separate utilities and/or independent entrances to accommodate more than one family or unrelated group.

**-U-**

Use - The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Used Clothing - Any clothing that is to be resold to the general public, including, but not limited to, apparel and accessories that have been used, worn, donated or resold by an individual, partnership or corporation. This definition shall not include clothing that is sold directly by a manufacturer to a retail store for resale.

Used Furniture - Any furniture that is to be resold to the general public that is less than twenty-five (25) years old that has been used, donated or resold by an individual, partnership or corporation. This definition shall not include furniture that is sold directly by a manufacturer to a retail store for resale.

Used Merchandise - Any merchandise that is to be resold to the general public that has been used, donated or resold by an individual, partnership or corporation. This definition shall not include merchandise that is sold directly by a manufacturer to a retail store for resale.

**-V-**

Variance - Permission to depart from the literal requirements of a zoning ordinance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by a zoning ordinance. There shall be only two (2) categories of variance, a use variance or a dimensional variance.

(a) Use variance -Permission to depart from the use requirements of a zoning ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the zoning ordinance.

(b) Dimensional Variance - Permission to depart from the dimensional requirements of a zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

**-W-**

Waters - As defined in RIGL, Section 46-12-1(b).



Water Surface Elevation - the height, in relating to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

Wetland, Freshwater - As defined in RIGL, Section 2-1-20.

**-Z-**

Zoning Certificate - A document signed by the Zoning Enforcement Officer, as required in this Ordinance, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of the municipal zoning ordinance or is an authorized variance, special use permit or modification there from.

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

Zoning Ordinance - The ordinance enacted by the Town Council of the Town of North Providence pursuant to the RI General Laws, Chapter 45-24 and in the manner providing for the adoption of ordinances in the town's charter, which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive plan of the town as defined in RI General Laws, Chapter 45-22.2, which includes a zoning map(s), and which complies with the provisions of this RIGL 45-24.

Zoning Use Districts - The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. The districts include, but are not limited to: agricultural, commercial, industrial, institutional, open space, and residential. Each district may include subdistricts. Districts may be combined. They may also be referred to as districts or zones.

**NOTE:** Where applicable, all other definitions from RIGL 45-24-35 not included above, are hereby included by reference as part of this ordinance.

## **Article XIV - Severability**

### **1401. Severability**

If any provisions of this Ordinance or of any rule, regulation or determination made thereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of this Ordinance of the rule, regulation, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of this Ordinance shall not affect the validity of the remainder of this Ordinance.

**EXHIBIT A**

**DIMENSIONAL  
REGULATIONS**



204. District Dimensional Regulations (continued)

| District     | Use  | Minimum Lot Area   | Minimum Lot Width   | Minimum Depth Front | Minimum Depth Side Yards                   | Minimum Depth Rear | Maximum Building Height* |
|--------------|--|--|---------------------|---------------------|--|--------------------|--------------------------|
| RG**<br>**** | Dwelling/Two Family Dwelling *****                               | 8,000 Square Feet<br>12,000 Square Feet  | 70 feet<br>100 feet | 25 feet<br>25 feet  | 10 feet<br>10 feet<br>Min. 20 feet between | 20 feet<br>20 feet | 35 feet<br>35 feet       |
| RG**<br>**** | Multi-Family Dwelling<br>***** , *****                           | Minimum Lot Size for all 20,000 Square Feet                                      | 100 feet            | 20 feet             | 25 feet<br>Min. 20 feet between buildings  | 20 feet            | 35 feet                  |
| RG**<br>**** | 3 Room Efficiency Apartment***** (Said Apartment Unit thereafter | 10,000 Square Feet for First Unit and 2,000 Square Feet for Each Unit thereafter | 100 feet            | 20 feet             | Min. 20 feet between                       | 20 feet            | 35 feet                  |
| RG**<br>**** | 4 Room Efficiency Apartment***** (Said Apartment Unit thereafter | 10,000 Square Feet for First Unit and 3,000 Square Feet for Each Unit thereafter | 100 feet            | 20 feet             | Min. 20 feet between                       | 20 feet            | 35 feet                  |
| RG**<br>**** | 5 Rooms or More*****   | 10,000 Square Feet for First Unit and 4,000 Square Feet for Each Unit thereafter | 100 feet            | 20 feet             | Min. 20 feet between                       | 20 feet            | 35 feet                  |
| RG**<br>**** | Other Use  | 20,000 Square Feet   | 70 feet             | 20 feet             | 25 feet                                    | 35 feet            | 35 feet                  |

\* Does not include spires, chimneys, towers, etc

\*\* Permitted only with a special use permit under Article V

\*\*\* For Corner lots the side yard shall be increased to 20 feet

\*\*\*\*Any space that can be used for a bedroom shall be designated as such for the purposes of these computations. Rooms that are not included as bedrooms are: 1 Kitchen/Dining Area; 1 Living Room; 1 Bathroom. (All rooms thereafter are considered bedrooms.)

\*\*\*\*\*Only land that is not developed can be utilized for determining the square usable footage on the site.

\*\*\*\*\*A Multi-Household dwelling is defined as any dwelling with 3 or more units.

\*\*\*\*\*Only land that can be developed can be utilized in calculating the number of units on a parcel. Areas that cannot be counted for square foot calculations includes delineated wetlands and detention or retention ponds.

\*\*\*\*\*Each two family structure/building shall have at least 100' of street frontage per structure/building

204. District Dimensional Regulations

B. Commercial and Manufacturing Districts

| District | Minimum Lot Area   | Use  | Minimum Depth Front-Side-Rear Yards | Maximum Building Height* | Maximum Lot Coverage | Minimum***Distance from Residential District Boundary |
|----------|--------------------|--|-------------------------------------|--------------------------|----------------------|---|
| CP**     | 15,000 square feet | Any permitted use as described - Art. II Section 203 Prof. Office  | 20 feet-20 feet -20 feet            | 40 feet                  | 30%                  | 25 feet   |
| CV**     | None               | Any permitted use as described - Art. II Section 203 Village   | 20 feet-0 feet -20 feet             | 35 feet                  | 50%                  | 25 feet   |
| CG**     | None               | Any permitted use as described - Art. II Section 203 General   | 20 feet-20 feet -20 feet            | 35 feet                  | 50%                  | 25 feet   |
| CG**     | None               | Commercial Establishment or business providing for a sexually oriented business as defined in Article II | 30 feet-20 feet -40 feet            | 30 feet                  | 30%                  | 500 feet****  |
|          |                    |  |                                     |                          |                      |   |
|          |                    |  |                                     |                          |                      |   |
|          |                    |  |                                     |                          |                      |   |
|          |                    |  |                                     |                          |                      |   |

204. District Dimensional Regulations

C. Manufacturing Districts

| District | Minimum Lot Area   | Use  | Minimum Depth Front-Side-Rear Yards | Maximum Building Height* | Maximum Lot Coverage | Minimum****Distance from Residential District Boundary |
|----------|--------------------|--|-------------------------------------|--------------------------|----------------------|--|
| ML       | 10,000 square feet | Any permitted use as described - Art. II Section 203 | 20 feet-20 feet -30 feet            | 40 feet                  | 40% 30 feet          |  |
| MG       | 10,000 square feet | Any permitted use as described - Art. II Section 203 | 25 feet-20 feet -20 feet            | 40 feet                  | 30% 35 feet          |  |

\* Does not include spires, chimneys, towers, etc

\*\* Any residential, agricultural, public or semi-public use within a business district shall conform to the dimensional requirements of the RG district

\*\*\* This minimum distance shall apply to all main structures and accessory structures

\*\*\*\*A sexually oriented business (adult entertainment use) is not permitted within 500 feet of a residential district, licensed day-care center, public or private elementary or secondary school, church, synagogue or regular place of religious worship, park, youth organization, facility where minor or other establishment or facility where minor children congregate. A sexually oriented business is not permitted within 1,000 feet of another sexually

