

Tab 14

# Phillipsdale Subdistrict

Seekonk River

Omega Pond

BOURNE AV

ROBERT WILKINSON AV



0 125 250 500 Feet



**East Providence Waterfront Special Development District Commission  
Design Review Guidelines – Phillipsdale Landing  
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July 17, 2006**

**Introduction**

The East Providence Waterfront Special Development District Commission ("Waterfront Commission") hereby adopts these Design Review Guidelines with the illustrative sketches (numbered SK-1 through SK-11) in order to assure high quality design in all major developments. The Waterfront Commission requires that all developments within the East Providence Special Waterfront Development District ("Waterfront District") undergo design review by the Commission and its Design Review Committee (DRC) subject to these design and performance standards. These guidelines shall apply to all new construction, expansions and/or additions of 50% of the gross floor area of existing buildings, or changes to exterior building facades for multifamily and nonresidential development, and to proposed demolition of existing buildings.

These Design Review Guidelines for the Waterfront District will help the City accomplish several important goals related to urban planning and project design review that would:

- Enable innovative and creative site planning, building design and development.
- Ensure that similar projects within the Waterfront District are judged according to the same standards.
- Help expedite design review by focusing on adherence to standards.

- Contribute to a more efficient design review and entitlement process.

The diverse nature of the City requires that design standards apply the aforementioned principles in a number of different contexts in order to weave good design into the accomplishment of the City's goals for the waterfront district, including:

- Revitalization of the waterfront.
- Creation of additional housing units at all levels of affordability.
- Attraction of businesses to the City.
- Retention and expansion of existing businesses in the Waterfront District.
- Creation of additional open space and park areas in the Waterfront District.
- Growth in the City's tax base with property tax and sales tax.

In order to ensure a balanced and principled approach to meeting the Waterfront District Commission's goals, these Design Review Guidelines are intended to:

- Have a long-term perspective.
- Require quality design, materials and construction.

- Encourage 'green' construction practices as well as 'green' construction materials.
- Consider all stakeholder impacts.
- Be guided by the vision and strategy for the waterfront district and economic development.
- Be influenced by the historical, social, natural and economic drivers in the districts and neighborhoods.
- Be balanced by local and regional trends and goals.

**Phillipsdale Special Development Sub-District**

The Phillipsdale Special Development Sub-District extends from Roger Williams Avenue northerly to the Narragansett Bay Commission Bucklin Point Water Pollution Control facility. This sub-district includes properties located off Bourne Avenue (west of Roger Williams Avenue) and Noyes Avenue. The westerly boundary of this sub-district extends to the Seekonk River. The former Ocean State Steel property is located within this sub-district. The Roger Williams Avenue corridor (including properties on both sides of the street) from Magnolia Avenue northerly to approximately Ruth Avenue is included within this sub-district.

Major properties include Ocean State Steel Property – City of East Providence, Roger Williams Avenue and Bourne Avenue.

This property consists of three parcels of land totaling approximately 26 acres, with road frontage on Roger Williams Avenue and Bourne Avenue, and water frontage on Omega Pond and the Seekonk River. The property is zoned Industrial - 3. It was the location of the former Washburn Wire, and more recently the Ocean State Steel Manufacturing Company. Washburn Wire was the largest industry and largest single em-

ployer in East Providence during much of the twentieth century.<sup>1</sup> Ocean State Steel melted scrap metal into long steel billets shipped via barge to a parent plant in Connecticut. The steel mill operations ceased in 1997 and the property has remained unutilized to date. The abandoned industrial structures remain on the site.<sup>2</sup>

The 2003 *East Providence Waterfront Special Development District Plan*, pages 76-77 provides for the following required elements in the Phillipsdale area:

*Planned Land Use*

- (a) 75,000 s.f. commercial (office)
- (b) 400 housing units (a mix of single-family homes, townhouses, and multi-family condominiums)
- (c) Single-family detached residential along the Roger Williams Avenue frontage
- (d) Continuous open space along the waterfront perimeter of the property.

*Architectural Guidelines*

- (a) Maximum height of commercial uses along northern boundary of property (adjacent to Phillipsdale Landing) – 4 stories

<sup>1</sup> Statewide Historic Preservation Report, Rhode Island Historical Preservation Commission, 1976.

<sup>2</sup> Excerpted from "2003 East Providence Waterfront Special Development District Plan"

- (b) Utilize structured parking for interior commercial use
- (c) Limit on-grade parking to residential, open space and marina/restaurant uses
- (d) Lower-height buildings in proximity to the existing Roger Williams Avenue residential neighborhood

*View Corridors*

- (a) Maintain open spaces along the waterfront (b) Create a boulevard approach (with a landscaped median) to the marina/restaurant use to enhance visual access to the water.

*Open Space*

- (a) Continuous open space along the waterfront perimeter of the property
- (b) Public open space park at "The Pointe."

*Issues*

- (a) Preferred redevelopment requires the construction of an access road along the rail corridor and overhead transmission line route
- (b) Continuation of Waterfront Drive (northerly segment) through this area needs to be examined.

The following represents Development Guidelines for the use of the DRC and Waterfront Commission in the approval process of proposed developments within Phillipsdale. Each design element is accompanied by a zoning reference which is Chapter 19, Zoning Ordinance of the City of East Providence, Ari-

cle IX Waterfront Special Development District. Wherever there is ambiguity between the zoning requirement and a guideline, the zoning shall govern. The Sketch reference includes drawings to illustrate the design requirements. Not all elements require either a zoning reference or a sketch. Although the elements are listed as guidelines, it is the intent of the Waterfront Commission to enforce these provisions as they constitute "area and performance standards" as required by zoning. If any developer cannot meet these guidelines, substantive justification must be presented to the Commission before any deviations can be approved.

**DESIGN GUIDELINES for Phillipsdale Section 19-472 (6)**

Design Element	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
<p><b>GENERAL SITE CONFIGURATION</b> Streetscape</p>	<p>Sec. 19-476 (b) (5), to be shown as part of required site plan.</p> <p>And</p> <p>Sec. 19-482</p>		<p><b>New Internal Streets</b> New internal streets shall be designed to encourage human activity on the street. Distinguish between commercial/ multifamily (CM) streets and low density (LD) residential streets.</p> <p>Siting decisions shall consider the importance of streetscape features in context.</p> <p>Width of Street – CM 36 feet and LD 28 feet.</p> <p><b>Redevelopment of Existing Streets</b> Existing streets should strive to achieve the same objectives as new streets in encouraging human activity on the street. Most retrofitting of streets will likely be on public rights of way, so adherence to the City standards and approval by the Public Works Director is required. Width for widening to be determined on a case by case basis. Elimination or reduction of sidewalks is prohibited.</p>	<p>The character of a neighborhood is defined by the experience of traveling along its streets. Streets within neighborhoods are individual spaces or “rooms.” How buildings face and are set back from the street determine the character and proportion of this room.</p> <p>Livelier street edges make for safer streets. Ground floor shops and market spaces providing services needed by residents can attract market activity to the street and increase safety.</p> <p>Considerations include entrances, porches, balconies, decks, seating and other elements can promote use of the street front and provide places for neighborly interaction.</p>

Design Element	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
Sidewalks	Sec 19-483 (h)	SK-2 SK-7 SK-9	Street Trees required on all streets.	The sidewalk is a critical element that ties the pieces of a neighborhood together. Sidewalks provide safety from moving vehicles. Sidewalks are an extension of the activity that takes place in the building – they should be lively, inviting and kept free of debris. They should include trees, benches (where appropriate) and directional signage in well placed kiosks.
Open Space	Sec 19-483 (c)  And  Sec. 19-482		<p>Projects shall be sited to maximize opportunities for creating usable, attractive, well-integrated open space. Open Space requirements:</p> <ul style="list-style-type: none"> <li>○ Open space as part of rights of way (median, boulevards, gateways, etc.).</li> <li>○ Unconnected parks.</li> <li>○ Linear connected parks.</li> <li>○ Special Features include view corridors, bike ways, pedestrian access, waterfront access, and gateways.</li> <li>○ Recognition of the historical role of Phillipsdale as to industrial growth of East Providence is required. This may take the form of interpretative panels and preservation of unique features.</li> </ul>	<p>Residential buildings are encouraged to consider:</p> <ul style="list-style-type: none"> <li>○ Courtyards which organize architectural elements, while providing a common garden or other uses.</li> <li>○ Entry enhancement such as landscaping along a common pathway.</li> <li>○ Public art is encouraged.</li> </ul>

Design Element	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
Transition between Residence and Street		SK-6 SK-11	<p>For residential projects, the space between the building and the sidewalk shall provide security and privacy for residents and encourage social interaction among residents and neighbors. This is accomplished by:</p> <ul style="list-style-type: none"> <li>o Low wall, hedge or fence at back of sidewalk, where no building exists and a setback is required.</li> <li>o Elevation of first floor from street. (see Front Yard below)</li> </ul>	The transition between a residential building and the street varies with the depth of the front setback and the relative elevation of the building to the street.
<b>LOT CONFIGURATION</b>				
Front Yard	Sec 19-483 (b)	SK-4 SK-6 SK-11	<ul style="list-style-type: none"> <li>o Commercial – Zero front yard setback, except where an optional paved terrace is proposed. Such terrace shall not exceed 50% of lot frontage.</li> <li>o Multi-Family Residential – Zero to 5 foot front yard setback. The first floor shall have a minimum elevation of 3 feet above finished grade in front of the building.</li> <li>o Low Density Residential – 10 feet maximum, with a first floor elevation of 3 feet with steps and/or ramp leading to front door. (If topographic or other conditions warrant larger setbacks than prescribed, relief can be sought, with other conditions).</li> <li>o No parking of vehicle in front yard of any building.</li> </ul>	To create a sense of community and street life, commercial and multi-family should have prominent street frontages. Single family homes should have a modest front setback.



Design Element	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
Side Yard Treatment and Setbacks	Sec 19-483 (b)	SK-7 SK-9	<ul style="list-style-type: none"> <li>o Commercial – No Requirement</li> <li>o Multi-Family Residential – No Requirement</li> <li>o Low Density Residential – min. 6 feet.</li> <li>o Overhead garage door.</li> </ul>	
Corner Lots			Building on corner lots shall be oriented to have two (2) front yard setbacks. Parking and automobile access shall be located at least 36 feet from corners.	Corner lots offer unique opportunities because of their visibility and access from two streets.
Entrances		SK-3 SK-5 SK-8 SK-10	Entries shall be clearly identifiable and visible from the street.	Entries that are visible from the street make a project more approachable and create a sense of association among neighbors.
Topography			The siting of buildings shall respond to local site conditions and opportunities such as irregularly shaped lots, location at prominent intersections, unusual topography, view corridors, existing vegetation and/or other natural features.	Site characteristics must be considered in project design. Designing the building in relation to topography may help to reduce the visibility of parking garages.

Design Element	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
<p><b>PARKING</b>                      Parking and Vehicle Access</p>	<p>Sec 19-483 (e)                      And                      Sec. 19-482</p>		<p>Siting shall minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.</p> <ul style="list-style-type: none"> <li>o Require on-street parking on both sides of all CM streets and on one side for all SF streets.</li> <li>o Required parking calculation shall include on-street parking.</li> <li>o Locate surface parking at rear or side lots.</li> <li>o Require 25 square feet of planted island per 1,000 square feet of pavement.</li> <li>o Parking lots shall not extend beyond the primary building elevation where buildings are set back from the street.</li> </ul>	<p>Techniques used to minimize the impacts of driveways and parking lots include breaking large parking lots into smaller ones, minimizing the number and width of driveways and curb cuts, sharing driveways with adjacent property owners, locating parking in lower level or less visible portions of site, and locating driveways to minimize visual impact.</p>
<p><b>Location of Parking on Commercial Lots</b></p>	<p>Sec 19-483 (e)</p>		<p>Parking lots on a commercial street frontage shall be prohibited.</p>	<p>Parking located along a commercial street front where pedestrian traffic is desirable lessens the attractiveness of the area to pedestrians and compromises the safety of pedestrians along the street.</p>

HEIGHT AND BULK Scale	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
	Sec. 19-482	SK-3 SK-5 SK-8 SK-10	<p>Maximum Height – 6 stories. Buildings in excess of 4 stories are required to have a 10 foot minimum upper story setback above the 4<sup>th</sup> floor or 50 feet above the sidewalk, whichever is less.</p> <p>Projects shall be compatible with the scale of development for the surrounding area and shall be sited and designed to provide a sensitive transition to near-by development.</p>	<p>Analysis and mitigation of height, bulk and scale impacts will be accomplished through the design review process. Careful siting and design treatment will help to mitigate some height, bulk and scale impacts; in other cases, actual reduction in the height, bulk and scale of a project may be necessary to adequately mitigate impacts. Height, bulk and scale mitigation may be required in two general circumstances:</p> <ol style="list-style-type: none"> <li>1. Projects on or near the edge of a less intensive zone.</li> <li>2. Projects proposed on sites with unusual physical characteristics such as unusual shape, or topography where buildings may appear substantially greater in height, bulk and scale than that generally anticipated for the area.</li> </ol>

BUILDING ELEMENTS	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
New Buildings	Sec 19-483 (a)		New buildings proposed for existing neighborhoods shall be compatible with or complement the architectural character and siting pattern of neighboring buildings.	<p>Paying attention to architectural characteristics of neighboring buildings can help new buildings be more compatible with their neighbors, especially if a consistent pattern is already established by similar:</p> <ul style="list-style-type: none"> <li>o Building articulation.</li> <li>o Building scale and proportion or complementary architectural style.</li> <li>o Complementary roof forms.</li> <li>o Building details and fenestration patterns.</li> <li>o Complementary materials.</li> <li>o First floor cornice lines on commercial buildings.</li> </ul>
Existing Buildings Restoration	Sec 19-483 (a)		All existing buildings that meet National Register standards shall be restored in accordance with the Secretary of Interior Standards and Guidelines for Rehabilitation.	<p>Complying in intent with the Secretary of the Interior's Standards and Guidelines for Rehabilitation, these Guidelines pertain to buildings of all occupancy and construction types, sizes and materials. They apply to permanent and temporary construction on the exterior of existing buildings within this sub-district.</p>

BUILDING ELEMENTS	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
Existing Buildings Demolition			Proposed demolition of 50% or more of any existing building shall first be submitted to the DRC for review and approval. Such approval shall be based on the Secretary of Interior Standards and Guidelines for such demolition.	Demolition of any historically or architecturally significant structure constitutes an irreplaceable loss to this sub-district and the City of East Providence. Even the demolition of a non-contributing structure, or a secondary structure such as a garage, can have serious consequences for the district as a whole. Consequently, demolition is strongly discouraged.
Building Design	Sec 19-483 (a)		<p>Building design elements, details and massing shall create a well-proportioned and unified building form and exhibit an overall architectural continuity within the district.</p> <p>Buildings shall exhibit form and features identifying the functions within the building.</p> <p>Large unarticulated boxes are prohibited.</p> <p>All buildings elevations shall be articulated by window openings. Primary building elevations shall conform to sketches, side and rear elevations shall have a minimum window opening ratio of 10%.</p>	<p>Interesting design through articulation can create intervals to reduce perceived building mass and promote compatibility with their surroundings:</p> <ul style="list-style-type: none"> <li>o Modulating the façade by stepping back or extending forward a portion of the façade.</li> <li>o Repeating the window patterns.</li> <li>o Providing a porch, patio, deck or covered entry for each interval.</li> <li>o Providing a balcony or bay window for each interval.</li> <li>o Changing the roofline by alternating dormers, stepped roofs, gables or other elements to reinforce the modulation or articulation interval.</li> <li>o Changing the materials with a change in the building plane.</li> <li>o Providing a lighting fixture, trellis, tree or other landscape feature with each interval.</li> </ul>

**Permitted Elements on Primary Building Elevations**

Elements	Required	Prohibited	Permitted
One, two, and three Family / Townhouse Residential	Awnings		Permitted
	Porches		Permitted
	Dumpsters / Service		Permitted
	Windows	Permitted	
	Entrance Doors	Permitted	
	Garage Doors		Prohibited
	Utility Meters		Prohibited
	Bulkheads		Prohibited
	Ventilation Louvers		Prohibited
Commercial / Mixed Use / Multifamily	Awnings		Permitted
	Dumpsters / Service		Permitted
	Windows	Permitted	
	Entrance Doors	Permitted	
	Utility Meters		Prohibited
	Bulkheads		Prohibited
	Ventilation Louvers		Prohibited
	Signage		Permitted
	ATM Drive up		Permitted
	ATM Windows (walk-up only)		Permitted
	Garage Doors / Loading Dock		Permitted
			Permitted
			Permitted
			Permitted
			Permitted

BUILDING ELEMENTS	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
Exterior Finish Materials	<p>Sec 19-483 (a)</p> <p>19-439</p>		<p>Building exteriors shall be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.</p> <p>The following materials are prohibited:</p> <ul style="list-style-type: none"> <li>o Vinyl siding.</li> <li>o Aluminum siding.</li> <li>o EIFS – prohibited on all residential single and two-family structures, and on the bottom 15 feet of all commercial and multi-family structures.</li> </ul> <p>The following materials are permitted on all structures, although in selecting exterior finish and materials, it is important to consider context of abutting structures and character:</p> <ul style="list-style-type: none"> <li>o Wood (cedar) shingles.</li> <li>o Wood clapboard</li> <li>o Cement (clapboard) siding,</li> <li>o Stucco.</li> <li>o Brick, stone, rubble, pre-cast concrete.</li> <li>o Standing seam metal.</li> </ul>	<p>Selection and use of exterior materials is a key element in the breakdown of scale for larger buildings. Incorporation of cornice lines, belt courses, banding or multiple materials is encouraged to produce buildings that will fit into the local character.</p>

BUILDING ELEMENTS	Zoning Ref	Sketch Ref	Guideline	Intent / Commentary
Building Design Commercial	Sec 19-483 (a)		Commercial <ul style="list-style-type: none"> <li>o Ground floor shall extend to front property line.</li> <li>o Setbacks at entries and café terraces are permitted, (see Front Yard Treatment and Setback. First bullet).</li> <li>o Building façades are permitted to step back from the front property line above the ground floor.</li> </ul>	
Building Design Residential	Sec 19-483 (a)		Residential <ul style="list-style-type: none"> <li>o All street façades are required to have windows.</li> <li>o Front doors shall face public street.</li> <li>o Garage doors are prohibited from the primary building elevation. (See Front Yard Treatment and Setback. Last bullet).</li> </ul>	



## DEFINITIONS

Definitions in Section 19-471 of the East Providence Zoning Ordinance shall govern where such terms are used. The following are common architectural terms that are used in some (not all) of these Guidelines. The intent is to clarify and amplify the terms. These definitions are suggested and are not mandatory. The source is the Glossary of Architectural Terms by *Archiseek*.

1. **Aluminum Siding** - Lightweight material that is often painted rather than left in its natural color.
2. **Asphalt Shingle** - A roofing material made of a brown or black tar like substance mixed with sand or gravel.
3. **Axonometric** - A drawing technique devised to represent three dimensional objects on flat paper. Verticals are drawn to scale, but diagonal dimensions are distorted.
4. **Balcony** - A platform projecting from an upper story and enclosed by a railing.
5. **Baluster** - Any of the small posts that make up a railing as in a staircase; may be plain, turned, or pierced.
6. **Balustrade** - The combination of railing held up by balusters.
7. **Bay** - Buildings are often divided into repetitive elements, or bays, defined by the space between two horizontal beams, or pairs of vertical columns.
8. **Bay Window** - A set of two or more windows that protrude out from the wall. The window is moved away from the wall to provide more light and wider views.
9. **Beam** - A horizontal load-bearing element that forms a principal part of a structure, usually using timber, steel, or concrete.
10. **Building Code** - Rhode Island State Building Code.
11. **Canopy** - A projection or hood over a door, window, niche, etc.
12. **Cantilever** - A projecting elements, such as a beam or porch, supported at a single point or along a single line by a wall or column, stabilized by a counterbalancing downward force around the point of fulcrum.
13. **Cedar Shingle** - A roofing material made of durable pinewood.
14. **Cement Plaster** - A mixture of sand and cement that is applied to the exterior foundation wall beneath ground level to aid in watering proofing.
15. **Clapboard** - Tapered horizontal boards used as siding, thickest on their bottom edge; each overlaps the one below. Also known as weatherboard or siding.

16. **Colonnade** - A row of columns forming an element of an architectural composition, carrying either a flat-topped entablature or a row of arches.
17. **Column** - A slender, upright structure, usually a supporting member in a building. Freestanding or self-supporting structural element carrying forces mainly in compression; either stone, steel, or brick, or more recently, concrete.
18. **Corbel** - A projecting wall member used as a support for some elements of the superstructure. Also, courses of stone or brick in which each course projects beyond the one beneath it. Two such structures, meeting at the topmost course, creates an arch.
19. **Corbeling** - Stone or wood projecting from a wall or chimney for support or decoration.
20. **Cornice** - Decorative projection along top of wall. The uppermost section of moldings along the top of a wall; any molded projection of similar form.
21. **Cornice Return** - A short continuation of the face board at the gable end of a house.
22. **Course** - A continuous row of building materials, such as shingle brick or stone.
23. **Crown molding** - A molding where the wall and ceiling meet; uppermost molding along furniture or cabinetry.
24. **Cupola** - A small, dome-like structure, on top of a building to provide ventilation and decoration.
25. **Dental** - A molding motif that projects from the edge of a roof line or cornice.
26. **Dormer** - The setting for a vertical window in the roof. Called a gable dormer if it has its own gable or shed dormer if a flat roof. Most often found in upstairs bedrooms.
27. **Eave** - The projecting lower edge of a roof.
28. **EIFS** - An acronym standing for "EXTERIOR INSULATION AND FINISH SYSTEMS." It is a composite synthetic building material installed on the exterior walls of a building that simulates stucco.
29. **Elevation** - An orthographic view of some vertical feature of a building. (Front, rear, side, interior elevation). A primary building elevation is the view of the front of the building.
30. **Entablature** - The area above an entryway in which the transom is contained.
31. **Exterior Wall** - An outside wall.
32. **Facade** - One of the exterior faces (walls) of a building.
33. **Face Brick** - A finished, non-defective brick yielding good appearance and construction quality.
34. **Fascia** - A horizontal band or board, often used to conceal the ends of rafters; the front of an object. Same as a face board.

35. **Fenestration** - The stylistic arrangement of windows in a building.
36. **Fieldstone** - A stone used in its natural shape.
37. **Finial** - A knob-like ornament.
38. **Finish Floor** - A finished walking surface.
39. **Foundation** - The base of a house providing stability and rigidity.
40. **Foundation Wall** - The masonry wall that rest on the footer.
41. **Gable** - A triangular area of an exterior wall formed by two sloping roofs.
42. **Gambrel** - A roof where each side has two slopes; a steeper lower slope and a flatter upper one; a 'barn roof'. Often found in Colonial revival houses in the "Dutch" style.
43. **Hipped roof** - A roof with slopes on all four sides. The "hips" are the lines formed when the slopes meet at the corners.
44. **Mansard** - A roof type with two slopes on each of the four sides, the lower slope being steeper than the other; capped off with a cupola, typically Victorian.
45. **Masonry** - Stonework or brickwork.
46. **Molding** - Shaped decorative outlines on projecting cornices and members in wood and stone.
47. **Mullion** - The vertical member separating adjacent windows.
48. **Muntin** - Wood or metal strips separating light.
49. **Parapet** - That portion of the wall that extends above the roof (wall surrounding a flat roof).
50. **Paved Terrace** - A paved surface adjoining a building to allow outdoor use, as an outdoor seating area of a restaurant. May be paved with concrete, decorative tile, block, brick or other impervious material, but not asphalt.
51. **Pediment** - A low triangular gable above a cornice, topped by raking cornices and ornamented.. Used over doors, windows or porches. A classical style.
52. **Pilaster** - A rectangular vertical member projecting only slightly from a wall, with a base and capital as will a column.
53. **Pitch** - The rate at which a roof or other surface slopes.
54. **Porch** - An open or enclosed gallery or room on the outside of a building.
55. **Portico** - A large porch usually with a pediment roof supported by classical columns or pillars.

56. **Primary Building Elevation** – Any elevation that faces a public street or right of way. Minor projections set back a minimum of 5 feet from the main volume of the structure and are less than 20% of the total street or public right of way elevation are not considered part of a primary building elevation.
57. **Rafter** - A roof beam sloping from the ridge to the wall. In most houses, rafters are visible from the attic. In styles such as craftsman bungalows and some "rustic" contemporaries, they are exposed.
58. **Raking Cornice** - The sloping moldings of a pediment.
59. **Return** - A wooden member nailed between the rafter-end and the stringer for bed board support.
60. **Ridge** - The top-most portion of a roof from which roof sides fall away.
61. **Rise** - The vertical distance from one stair tread to the next.
62. **Riser** - The vertical portion of a step. The board covering the open space between stair treads.
63. **Roof Pitch** - Degree of roof slant stated in inches rise per foot.
64. **Roof Types** - Style and shape of roofs - gable, gambrel, hip, mansard, shed, flat, butterfly, salt-box.
65. **Rough Sill** - The bottom rail of a window rough opening.
66. **Rubble** - Masonry construction using stones of irregular shape and size.
67. **Rusticated Stone** - Stonework, sometimes roughly finished, distinguished by having the joints deeply sunk.
68. **Siding** - The finished covering on the outside of non masonry walls of houses and buildings. Shingles, wood siding, aluminum siding, vinyl siding, stucco, etc.
69. **Sidelights** - Windows on either side of a door.
70. **Sill** - A horizontal piece forming the bottom frame of a window or door opening.
71. **Skylight** - A window in a roof to give light to a loft or room without other lighting.
72. **Slate** - A roof material made from a hard, fine-grained rock that cleaves into thin, smooth layers.
73. **Soffit** - The underside of a member such as a beam or arch, or of an eave, overhang, dropped ceiling, etc.
74. **Terra Cotta** - A mixture of sand and baked clay commonly used to make pipe for sewage disposal systems. A mixture of sand and baked clay used to form a shingle used on certain styles of architecture.
75. **Transom** - A small window just above a door.

76. **Vinyl** - A synthetic type of siding used for its economic value.

77. **Window Types:**

- a) **Double Hung** - Two sash, vertical sliding
- b) **Casement** - Side hinged
- c) **Awning** - Top hinged
- d) **Hopper** - Bottom hinged
- e) **Oriel** - Windows that generally project from an upper story, supported by a bracket.
- f) **Picture Window** - Fixed sash
- g) **Jalousie** - Glass slats, Venetian blind principle
- h) **Horizontal sliding** - two or more sash designed to slide over one another
- i) **Bay** - Extends beyond the exterior face of the wall
- j) **Bow** - Projected window with a curved surface often in the glass itself.
- k) **Combination** - The integration of two or more of the above into one unit.

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- (b) The complaint shall set forth with specificity the area or areas in which the 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.
  - (c) When an appeal results in a decision by a court of competent jurisdiction, which overturns a decision recorded in the city land evidence records, the city solicitor's office shall record notice of the court's decision in the city land evidence records.
- (Rev. Ords. 1987, § 19-77)

Secs. 19-78—19-94. Reserved.

**ARTICLE III. DISTRICT REGULATIONS**

Sec. 19-95. Districts designated.

Sec. 19-96. Prohibited uses.

Sec. 19-97. Determination of boundaries.

Sec. 19-98. Schedule of use regulations.

Sec. 19-99. Floating zone districts; purpose and objectives.

Sec. 19-100. Types of floating zone districts.

Sec. 19-101. Application process and unified review.

Sec. 19-102. Phased development or expanded development.

Secs. 19-103—19-115. Reserved.

**Sec. 19-95. Districts designated.**

- (a) *Districts generally.* For the purposes of this chapter, the city is divided into districts as shown on the zoning map entitled "Zoning Map of the City of East Providence," dated the effective date of this chapter, filed with the city clerk and hereby declared to be a part of this chapter. The districts, their abbreviations and common names are designated as follows:

Abbreviation	District
R-1	Residential 1 One-family.
R-2	Residential 2 One-family.
R-3	Residential 3 One-family.
R-4	Residential 4 One-family and two-family.
R-5	Residential 5 Multifamily.
R-6	Residential 6 One-family, two-family and three-family.
D-1	Open Space 1 Open space.
C-1	Commercial 1 Office business.
C-2	Commercial 2 Neighborhood business.
C-3	Commercial 3 General retail business.
C-4	Commercial 4 Highway business.
C-5	Commercial 5 Heavy business.
I-1	Industrial 1 Limited manufacturing.
I-2	Industrial 2 General manufacturing.
I-3	Industrial 3 Heavy manufacturing.
BT	Business/Technology (floating, district).
RSD	Riverside Square Mixed Use/Downtown (Overlay)

- (b) *Mixed use floating zone district.* The mixed use floating zone district permits planned development of mixed residential/commercial uses; see further definition in section 19-364.
- (c) *Cluster floating zone district.* The cluster floating zone district may amend any residential zone which permits clustering of residential units, with the goal of preserving open space; see further definition in section 19-364.
- (d) *Business technology floating zone district.* The business/technology floating zone district may amend the C-1, C-4, I-1, I-2 and I-3 zoning districts only with the goal of permitting business/technology developments; see further definition in section 19-364.
- (e) *C-2 neighborhood business district.* The C-2 neighborhood business district is intended to permit small-scale retail, service and office uses designed to serve adjacent residential neighborhoods and structures shall be no larger than 5,000 square feet in gross floor area.

(Rev. Ords. 1987, § 19-95; Ch. 457, § II, 10-7-97; Ch. 146, § IV, 10-23-00; Ch. 453, § II, 7-15-08; Ch. 470A, § IV, 10-7-08; Ch. 506, § VI, 7-20-10)





Three-family dwelling* and multi-family dwelling* in conformance with section 19-216 et seq. Construction of 20 units or greater requires land development project approval; see article V of this chapter	N	N	N	N	S	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
Tourist home or lodginghouse*	N	N	N	N	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N
Motel*	N	N	N	N	N	N	N	Y	N	Y	Y	N	Y	N	N	N	N	N	N
Hotel*	N	N	N	N	N	N	N	S	N	N	N	N	N	S	N	N	N	Y	
Community residences*	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N
Family day care homes	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N
PUBLIC AND SEMI-PUBLIC																			
Municipal facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Watershed protection or supply	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Park, playground or playfield	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	N	N	N
Public or private elementary, junior high or high school or higher education institution	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N
Dormitory for institution of higher education	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Church, other place of worship or religious institution	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N
Cultural activity*	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Sportsmen's club	S	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N
Yacht club	N	N	S	S	S	S	Y	N	N	N	N	N	N	N	N	N	N	N	N
Nonprofit club; civic, social or fraternal	N	N	N	N	S	S	S	Y	Y	Y	Y	Y	N	N	N	N	N	N	N
Nursery school	N	N	N	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	N	N	N	N
Hospital*	N	N	N	N	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N
Clinic, excluding animal clinic	N	N	N	N	Y	Y	N	Y	Y	Y	Y	N	N	N	N	N	N	Y	
Nursing home, rest home or home for the aged requiring attendants	N	N	N	N	S	S	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Funeral home or mortuary	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Cemetery*	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Day or overnight camp for children	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Golf course or country club	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Public utility	S	S	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
RETAIL BUSINESS																			
Retail sale of products fabricated, assembled or packaged in a building on the premises provided such fabrication, assembling or packaging operations do not occupy more than 50 percent of the floor area of the building; provided, further that not more than: (1) Five persons are regularly employed th (2) Ten persons are regularly employed th	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N
Retail sale of food, drugs, clothing, jewelry, stationery or similar personal or specialty items	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N

Retail sale or rental of general merchandise, furniture, household goods, supplies, and appliances, sporting goods, automotive accessories, or other similar retail products	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Salesroom for display of motor vehicles, trailers, building supplies, boats, or machinery: (1 (1) Without storage and repair facil (2 (2) With storage and repair facil	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	N
New or used motor vehicle sales lot	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Retail services for employees as detailed in section 19-364, business/technology development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y
<b>WHOLESALE BUSINESS AND STORAGE</b>																	
Sale of business and/or industrial equipment and supplies	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
Wholesale showroom: (1 (1) With storage limited to floor samples (2 (2) With storage and repair facil	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y
Wholesale distribution or warehouse, excluding truck terminal facility	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N
Bulk petroleum storage	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N
Self storage, mini-storage	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	N
<b>SERVICE BUSINESS</b>																	
Personal convenience service*	N	N	N	N	N	N	N	N	N	P	Y	Y	Y	N	N	N	N
Commercial educational institution*	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	Y	N	N	Y
Restaurant* without live entertainment	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N
Restaurant* including live entertainment	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N	N	N
Fast food restaurant	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N
Automatic parking garage or lot*	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	Y
Printing or publishing establishment provided that the work and storage area shall not exceed 5,000 square feet	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	Y
Automotive repair shop*	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N
Animal or veterinary hospital or kennel	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N
Marina*	N	N	N	N	N	N	N	S	N	N	N	N	Y	N	Y	Y	N
Commercial dock or boatyard or boat repair facility	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N
Auto body, soldering or welding shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N
Dry cleaning or laundering plant	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N
Passenger vehicle car wash	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N
Business or industrial services: (1 (1) With storage and repair limited to 50 percent or less gross floor area (2 (2) With storage and repair facil	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Child day care centers	N	N	N	N	S	S	N	Y	Y	N	N	N	Y	N	N	N	N
Data processing facilities	N	N	N	N	N	N	N	S	N	N	N	N	Y	Y	Y	Y	Y

Massage therapy establishment*	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N	N
SPECIAL USES																		
Signs* as regulated by sections 19-441 through 19-443	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Billboards* as regulated by section 19-444	N	N	N	N	N	N	N	N	N	N	N	S	S	N	S	S	N	N
Off-street parking as regulated by sections 19-276 through 19-284	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Off-street loading and unloading as regulated by Sections 19-285 through 19-290	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Removal of earth products as regulated by section 19-116	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N
Trailer courts* as regulated by section 19-321	N	N	N	N	S	N	N	Y	N	N	N	Y	N	N	N	N	N	N
Gasoline filling stations* as regulated by section 19-186 et seq.	N	N	N	N	N	N	N	N	S	S	Y	Y	N	Y	Y	N	Y	N
Accessory uses* as regulated by section 19-171	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Transit shelters* as regulated by section 19-174	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Amusement game centers**	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N	N	N
Drive-through* associated with a permitted use on a parcel of at least 10,000 square feet and as regulated by sections 19-347 through 19-353	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
OFFICE USES																		
Any business or professional office, studio, or agency, bank or other financial institution	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Medical research, engineering or testing laboratory	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
COMMERCIAL RECREATION																		
Amusement park*	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
Bowling alley	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Dance hall	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Driving range or miniature golf facility	N	N	N	N	N	N	N	S	N	N	N	Y	Y	N	N	N	N	N
Health, fitness and wellness facility	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Indoor movie theatre	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Skating rink	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Swimming or tennis facility																		
TRANSPORTATION																		
Helistop	N	N	N	N	N	N	N	S	N	N	N	N	N	S	S	S	S	S
Freight or trucking terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
Parcel distribution center	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
UTILITIES																		
Radio, television or wireless telecommunication towers and antennas***	N	N	N	N	N	N	N	S	N	N	N	N	S	S	S	Y	Y	N
Communication services and broadcasting offices	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	S	S
Public utilities not otherwise mentioned	N	N	N	N	N	N	N	N	S	S	S	S	S	S	S	S	S	S
INDUSTRIAL																		
Limited manufacturing*, with no outdoor storage, and in conformance with Sections 19-336 through 19-345.	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Small shop for fabricating, packaging or assembling activities in conformance with sections 19-336 through 19-345	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y

Heavy manufacturing* in conformance with sections 19-336 through 19-345	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Limited metal reclamation*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Open storage* as regulated by section 19-175(a)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Industrial or manufacturing related office	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Industrial trade schools*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bulk storage of chemicals accessory to a use permitted by section 19-98	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
PORT RELATED USES																																							
Port*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wharves, piers and bulkheads, commercial dock or boatyard or boat repair facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Accessory port facility																																							
Trucking, shipping or railroad terminal primarily handling commodities shipped by waterborne transportation, including equipment necessary for the loading, unloading or transfer of commodities and cargoes	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Accessory storage—Port district* including open storage as regulated by subsection 19-175 (b)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Container terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, storing, processing, fabricating, packaging or assembling activities requiring direct access to waterborne shipping in conformance with article IV, division 14 of this chapter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Packaging, assembling, mixing or other activities to prepare cargoes or commodities for loading, off-loading or distribution, primarily relating to rail, truck and waterborne commerce, in conformance with article IV, division 14 of this chapter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Foreign trade zone	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

\*Definitions and further regulations relative to the uses that are denoted by an (\*) may be found in section 19-1.

\*\*Amusement game centers shall be allowed as a special use permit in a C-3 district and as a permitted use in C-4 and C-5 districts in conformance with the requirements of section 19-231 of this chapter.

\*\*\*Radio, television or wireless telecommunications towers shall be permitted in any district on property owned, leased or otherwise controlled by the city, in conformance with the requirements of section 19-351 of this chapter, and by administrative approval in any 1-3 district, in conformance with the requirements of section 19-352 of this chapter.

\*\*\*\*Radio, television or wireless telecommunications antennas shall be permitted in any district on property owned, leased or otherwise controlled by the city, in conformance with the requirements of section 19-351 of this chapter, and by administrative approval in any district, in conformance with the requirements of section 19-352 of this chapter.

(Rev. Ords. 1987, § 19-98; Ch. 457, § III, 10-7-97; Ch. 463, § III, 12-16-97; Ch. 53, §§ IV, V, 2-3-99; Ch. 146, § VI, 10-23-00; Ch. 154, § VI, 1-16-01; Ch. 194, § IV, 12-16-01; Ch. 198, § IV, 2-19-02; Ch. 216, § IV, 6-18-02; Ch. 453, § III, 7-15-08; Ch. 470A, § V, 10-7-08; Ch. 489A, § II, 10-6-09)

#### Sec. 19-99. Floating zone districts; purpose and objectives.

- (a) *Purpose.* This section establishes the mechanism for the review and creation of four types of floating zone districts, which upon approval by the city council shall amend the existing zoning map. The purpose of floating zone districts is to permit high intensity or mixed use character development and to promote flexible design upon parcels deemed appropriate for such development. Floating zone districts are unmapped zoning districts which are established on the zoning map only when an application for development meeting the requirements is approved. A petitioner must establish that the site proposed is appropriate for the floating zone district, and petition, in accordance with article II, division 4, to amend the city zoning map. Except where otherwise provided for in this chapter, the floating zone district regulations are derived from the regulations of the underlying zoning district. Floating zone districts may impose supplementary requirements but do not in any manner supersede or replace any requirements of the underlying district, except where specifically provided for in this article or otherwise in this chapter. In all cases, floating zone district map amendments are conditional upon site plan approval through land development project review as provided for in article V of this chapter.
- (b) *Objectives.* Decisions to approve a floating zone district shall be consistent with the following objectives where applicable:
- (1) To promote diverse land uses which are consistent with the goals of the city comprehensive plan;
  - (2) To allow for mixed use developments where the site provides adequate safeguards to adjacent districts;
  - (3) To promote greater flexibility and consequently more creative and imaginative design for the development of residential and mixed use areas than generally is possible under conventional zoning regulations; and
  - (4) *[Reserved.]*

(Rev. Ords. 1987, § 19-99; Ch. 457, § IV, 10-7-97; Ch. 453, § IV, 7-15-08)

#### Sec. 19-100. Types of floating zone districts.

The following floating zone districts may by action of the city council amend the city zoning map for sites determined to be appropriate.

- (1) *Mixed use floating zone district.* A mixed use floating zone district permits planned development of mixed residential/commercial uses; see further definition in section 19-354.
- (2) *Cluster floating zone district.* A cluster floating zone district may amend any residential zone and permits clustering of residential units with the goal of preserving open

Tab 16

context of protecting the important scenic and recreational resources along the East Providence Waterfront. The properties along the Providence and Seekonk Rivers are viewed by the city to hold great potential to generate year-round activity with linkages to surrounding neighborhoods, downtown amenities, labor, regional access, and the recreational and scenic attributes of the waterfront location. The intent of the waterfront development district is to provide for a diverse mix of compatible land uses and densities that promote high quality development in a manner consistent with the intent of the 2003 East Providence Waterfront Special Development District Plan. The objective of the waterfront development district is to attract new businesses and jobs, create housing opportunities for a wide range of income levels, provide recreational, civic and cultural opportunities, and ensure protection of and public access to and along the valuable environmental resources found along the East Providence Waterfront.

The provisions of this article shall not preclude an applicant, developer, and/or property owner from the requirement to meet other provisions of chapter 19, zoning, and/or other city requirement and ordinances, as applicable.

All projects are required to conform to the policies, standards and regulations of the Rhode Island Coastal Resources Management Program, as set forth in the Coastal Resources Management Program (Red Book) and the Providence Harbor Special Area Management Plan (Green Book).

(Ch. 317, § I, 3-2-04)

#### Sec. 19-471. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Additionally, the definitions set forth in article I of the city zoning ordinance shall also apply to any words, terms or phrases included herein. In the event of any conflict or discrepancy between these definitions and those in article I, the following definitions shall apply.

### ARTICLE IX. WATERFRONT SPECIAL DEVELOPMENT DISTRICTS

#### Sec. 19-470. Purpose.

The purpose of this article is to provide for appropriate mixed use development within the

*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, which shall be located on the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related. An accessory use shall be subordinate in area, extent, or purpose to the principal use served.

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

*Application.* The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval or permitting purposes.

*Building stories.* The portion of a building between the upper surface of any floor and the upper surface of any floor next above having no more than one-half its height above the average elevation of the finished lot grade adjoining the building, and any portion of a building used for human occupancy between the topmost floor and the roof. In any building not divided into customary stories, each ten feet of building height shall be counted as one story.

*Coastal Resources Management Program,* also known as the "Red Book", is administered by the Rhode Island Coastal Resources Management Council, and contains the policies and regulations uses in tidal waters, shoreline features and contiguous areas.

*Commission.* The East Providence Waterfront special development district commission enabled by state statutes and charged with overseeing, planning, implementing and administering the development of areas within the East Providence Waterfront special development district.

*Conditional use provisions.* A use permitted pursuant to and in accordance with the conditions and/or circumstances issued by the East Providence Waterfront special development district commission pursuant to state statutes.

*Continuing care.* An age restricted development that provides a continuum of accommoda-

tions and care, consisting of a mix of independent and/or assisted living accommodations and long-term bed care together with a variety of ancillary uses. Permitted ancillary uses which are subordinate and incidental to a continuing care facility include: community facilities and meeting rooms for social civic, cultural and educational activities; recreational facilities for residents and their guests; common living, dining, laundry security and housekeeping facilities; central kitchen for food served in dining areas or for distribution to resident living units; medical and dental services for residents; retail shops for sale of goods or rendering of personal services to residents and guests; and sales offices.

*Development.* The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any change in use, or alteration or extension of the use, of land.

*Developer.* Any land owner, agent of a land owner or tenant with permission of such land owner, who makes an application for development.

*Deviations.* Permission to deviate from the area and performance standards of these regulations which regulate the manner in which a use permitted may be implemented by the owner as approved by the commission.

*Entertainment/clubs.* An establishment dispensing liquor and meals and in which live music, dancing, or entertainment is conducted.

*Executive director.* The primary liaison between the developer and each of the reviewing bodies within the waterfront development district, responsible for coordinating review of development projects and coordination of activities of the commission.

*Flex tech.* A mixed-use office/warehouse which is designed to accommodate users with flexible space needs. Primary uses include general business, office, artisan and technological development, as well as low-scale light manufacturing uses, including warehouse distribution centers. The design of the building includes potential for expansion or consolidation, and shared common space between tenants for services such as reception, restrooms or other accessory uses.

*Food stores.* A single store which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Does not include sales of gasoline or other fuels.

*Light manufacturing.* The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding raw materials industrial processing. These activities do not necessitate the storage of large volumes of hazardous, flammable, toxic matter or explosive materials needed for the manufacturing process. These activities do not include manufacturing processes predominantly comprised of hazardous, flammable, toxic or explosive materials. These activities shall take place within a wholly enclosed building.

*Marina.* A complex of boating facilities designed as a unit, including such facilities as permanent slips, launching ramps, ships' stores, minor repairs and accommodations for eating, and excluding major overhaul and repair, winter storage and boat sales.

*Nonconforming structure.* A building or structure, or parcel of land not in compliance with the performance standards or site development criteria of this chapter.

*Nonconforming 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 a nonconforming use.

*Parking structure.* A structure or portion of a structure composed of one or more levels or floors used exclusively for the parking of vehicles and which may be totally below grade (as in an underground garage) or either partially or totally above grade with those levels being either open or enclosed.

*Performance standards.* A system of development regulations that promotes flexibility in site

design through prescribed standards for building placement and coverage, open space, density, parking provisions and impervious surfaces.

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

*Prohibited use.* A use of land which is specifically unauthorized in a particular zoning district due to incompatibility with surrounding uses or negative impacts to the public well being.

*Special Area Management Plan,* also known as the "Green Book", is a planning and regulatory document adopted by the Rhode Island Coastal Resources Management Council, CRMC, to guide and facilitate waterfront redevelopment in the Providence Harbor area, and used in conjunction with the Coastal Resources Management Program, as amended.

*Sub-districts.* Areas within the East Providence Waterfront district that due to geographical or surrounding physical context have been identified as being better suited for particular land uses and densities.

*Waterfront development district.* An independent public instrumentality and body corporate and politic for the purposes set forth in this chapter with a separate legal existence from the city and from the state and the exercise by the district of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The boundaries of the district have been established by ordinance of the city council. The district shall oversee, plan, implement, and administer the development of areas within the district.  
(Ch. 317, § I. 3-2-04)

#### Sec. 19-472. Sub-districts defined.

The waterfront development district consists of a series of sub-districts that due to geographical or surrounding physical context have been identified by the city in the comprehensive plan and the East Providence Waterfront special development district plan as being suitable for various



land uses and densities. Notwithstanding to other provisions of this article, the following sub-districts are herein defined:

- (1) *Kettle Point.* The Kettle Point sub-district generally extends from the Watchemoket Cove southerly to the Squantum Woods Reservation, which, along with a portion of Veterans Memorial Parkway, also borders this district to the east. The district extends down to the Providence River as the western boundary.
- (2) *Veterans Memorial Parkway.* The Veterans Memorial Parkway sub-district generally extends from Teofila Braga Way to Watchemoket Cove. Properties on the westerly side of the Veteran's Memorial Parkway are included in this sub-district from the beginning of the Parkway to Watchemoket Cove.
- (3) *Bold Point Harbor.* The Bold Point Harbor sub-district generally extends from the Washington Bridge (I-195) southerly to the Providence and Worcester South Quay, and extends from the waterfront inland easterly to include portions of Warren Avenue (the historic area of the former Watchemoket Square), and First Street (from Warren Avenue to Mauran Avenue).
- (4) *Crook Point.* The Crook Point sub-district generally extends along the Seekonk River from the Washington Bridge (Interstate 195) northerly to the Henderson Bridge, bordered on the east by Valley Street, North Brow Street, and a small portion of South Brow Street.
- (5) *Dexter Road.* The Dexter Road sub-district generally extends from the Henderson Bridge northerly to Omega Pond. This sub-district includes all those properties fronting on, or gaining access from, Dexter Road. This sub-district is bordered on the east in part by Massasoit Avenue and by a Providence and Worcester rail corridor. The western boundary of the sub-district extends to the Seekonk River.
- (6) *Phillipsdale.* The Phillipsdale sub-district extends from Roger Williams Avenue north-

erly to the Narragansett Bay Commission Bucklin Point Water Pollution Control facility, including properties located off Bourne Avenue (west of Roger Williams Avenue) and Noyes Avenue. The westerly boundary of this sub-district extends to the Seekonk River. The Roger Williams Avenue corridor (including properties on both sides of the street) from Magnolia Avenue northerly to approximately Ruth Avenue is included within this sub-district.

- (7) *Pawtucket Avenue.* The Pawtucket Avenue sub-district is located at 10 New Road and Pawtucket Avenue, and 105 Pawtucket Avenue, the property is the former Fram Automotive property.
  - (8) *Taunton Avenue.* The Taunton Avenue sub-district consists of properties which are impacted by the proposed transportation improvements for the Interstate 195 highway ramping changes, and three vacant and deteriorating properties along Taunton Avenue.
- (Ch. 317, § I, 3-2-04)

**Sec. 19-473. Administration.**

The East Providence Waterfront special development district commission was created under Rhode Island Public Law 2003, Chapter 345. The commission consists of 19 members: five members shall be appointed by the city council; five members shall be appointed by the governor with the advice and consent of the senate; the mayor and the governor shall jointly appoint a member who shall serve as the chairperson; and there shall be eight ex officio non-voting members, including the city manager, the city planning director, the public works director, the executive director of the RI Economic Development Corporation, the director of the department of transportation, the director of the department of environmental management or an associate director designated by the director, a member of the senate appointed by the senate president, and a member of the house appointed by the speaker.

All development in the East Providence Waterfront special development district will be subject

to review and approval by the East Providence Waterfront special development district commission. To assist in the design review of projects the East Providence Waterfront special development district commission has created two committees: the design review committee (DRC) and the hearing panel (HP). Members on the committees are appointed by the commission.

(1) *Reviewing body roles and responsibilities.*

- a. Administration for the East Providence Waterfront special development district commission will be coordinated by an executive director. Initial review of all projects shall be made by the executive director who shall also serve as the primary liaison between the development and each of the reviewing bodies. The primary role of the executive director will be to determine whether the application package is complete. The executive director may use technical support from the state and the city and depending upon need and budgetary constraints, the executive director may retain outside consultants with the approval of the commission. The resources available to the executive director may include expertise in architecture/urban design, real estate development, planning and law.
- b. The design review committee shall review all applications for the development of parcels in the waterfront district, including conformance with the city land development and subdivision review regulations, conformance with or proposed amendments to the performance standards and site development criteria, plans for public improvements, and requests for deviations or conditional use provisions. It shall evaluate each application presented by the executive director for conformance with the reviewing criteria set forth in section 19-477 herein and make recom-

mendations to the hearing panel and the commission for their action as set forth in these procedures.

The design review committee shall distribute copies of complete development plan applications to the planning board for review for conformance with land development and subdivision review regulations and plans for public improvements. The planning board shall serve as an additional reviewing agency, and shall advise the design review committee through comments for consideration in their approval. The planning board shall respond with comments on applications within 30 days from the date of receipt. The planning board shall review the application and make a written report on its findings and recommendations as to whether or not the request is consistent with the purposes and intent of the city comprehensive plan and the land development and subdivision regulations.

Any meetings or actions of the design review committee shall be conducted in accordance with section 19-477 of this article. The design review committee shall hold one public hearing on each application pursuant to and in accordance with the procedures set forth in section 19-477, including the procedures for public notice set forth in section 19-477.

- c. The commission may designate a hearing panel to which the executive director may refer applications for deviations, or conditional use provisions. Such review by the hearing panel shall take place after the review and recommendation of the design review committee. Standards for instances where deviations or conditional use provisions will be reviewed by the hearing panel are set forth in section 19-477.

In the case of any application for a deviation or conditional use provi-

sion approval to the performance standards or the site development criteria referred to the hearing panel, the hearing panel shall hold a public hearing on each such application pursuant to and set forth in section 19-477, including the procedures for public notices set forth in section 19-477.

- d. The recommendations of the design review committee, the transcript of any public hearing(s), and, where reference to the hearing panel established pursuant to section 19-477 has been made, the finding of fact of the hearing panel shall be forwarded to the commission, the only body authorized to make a decision of the merits of the application.

Any meetings or actions of the East Providence Waterfront special development district commission shall be conducted in accordance with section 19-477. The commission shall review the record and hold a public hearing on each application, for which notice shall be given in accordance with the procedures set forth in section 19-477.

In each case where no reference to the hearing panel has been made, the commission shall receive such evidence as the parties may present on questions of fact and may approve, modify or reject the recommendations of the design review committee. Where reference to the hearing panel has been made, the commission shall not hear new evidence and shall not substitute its judgment for that of the hearing panel as to the weight of the evidence of questions of fact, but may approve, modify or reject the recommendations of the design review committee and the hearing panel. The commission may remand the matter to the design review committee, or, where an ini-

tial reference has been made to the hearing panel, to the hearing panel for further findings or other action.

If after a public hearing or at any step of the review process, the commission approves a project in a form materially different than the form in which the project was submitted to the public hearing, the commission shall determine whether a hearing on the project as approved is required. If so, a subsequent hearing shall be held in accordance with section 19-477.

Seven voting commissioners shall constitute a quorum for the transaction of business at a meeting. The affirmative vote of a majority of the members of the commission at a meeting which a quorum is present shall be necessary to render a decision.

(Ch. 317, § I, 3-2-04)

**Sec. 19-474. Design review committee.**

(a) The design review committee shall consist of three commissioners (the "commission members"), the city planning director or his/her designee, the public works director or his/her designee, and four other individuals having the following qualifications:

- (1) One member shall be an architect licensed as such under the laws of the state who is presently engaged in practice and is familiar with principles and practices of urban design.
- (2) One member shall be a landscape architect licensed as such under the laws of the state who is presently engaged in practice and is familiar with context sensitive site design, sustainable site practices, and local and regional hardscape and plant materials.
- (3) One member shall be familiar with the financial aspects of real estate development, with experience in implementing large scale construction or land development projects.

- (4) One member shall be a professional engaged in other design trades as determined feasible and appropriate by the commission. The non-board members of the design review committee are hereinafter referred to as the "advisory members."
- (b) Members of the design review committee shall serve initial staggered terms of one, two, and three years, as follows:
- (1) One commission member and one advisory member shall each serve for a term of one year or until his/her death or resignation or until his/her successor is appointed and shall have qualified.
  - (2) One commission member and one advisory member shall serve for a term of two years or until his/her death or resignation or until his or her successor is appointed and shall have qualified.
  - (3) The chairman of the design review committee, one commission member, and one advisory member shall each serve for a term of three years or until his/her death or resignation or until his/her successor is appointed and shall have qualified.
  - (4) The city planning director and the public works director shall serve as ongoing members of the design review committee until his/her death or resignation or until his/her successor is appointed and shall have qualified.

The terms of each member of the design review committee shall be for three years. Each member of the design review committee shall be appointed by the board of commissioners, and a chairman of the design review committee shall be selected from among the commission members by the board of commissioners.

(c) The chairman shall invite the following individuals or their designees to attend each meeting of the design review committee. However, these individuals shall have no authority to vote on committee matters:

- (1) The city manager;

- (2) The executive director of the Rhode Island Economic Development Corporation;
- (3) The director of the department of transportation;
- (4) The director of the department of environmental management;
- (5) The director of the Rhode Island Coastal Resources Management Council.

(d) A majority of the design review committee shall constitute a quorum for the transaction of business at a meeting. The affirmative vote of a majority of the members of the design review committee at a meeting at which a quorum is present shall be necessary to adopt recommendations to be made to the hearing panel (if required) and to the board of commissioners.  
(Ch. 317, § 1, 3-2-04)

#### Sec. 19-475. Hearing panel.

The commission shall designate from among its members a hearing panel consisting of five members, none of whom shall be serving a concurrent term on the design review committee. The members of the hearing panel shall serve a one-year term commencing on January of each year until such member's death, resignation or removal from the board of commissioners or until his or her successor shall have been appointed or shall have qualified. The board of commissioners shall appoint a chairperson from among the hearing panel members and said members shall constitute a committee of the board of commissioners.  
(Ch. 317, § 1, 3-2-04)

#### Sec. 19-476. Procedure and applications.

(a) Prior to the submission of a formal application for the development and design of a parcel or parcels, developers are encouraged to meet with the executive director on an informal basis to discuss the submittal requirements, performance standards for the waterfront district, the site development criteria and the commission's review process. Pre-application workshops are required, and shall include the review of the city zoning officer.

## (b) Process.

- (1) Before any structure may be erected, constructed, altered, repaired or demolished within the waterfront district, and prior to submitting an application, the person proposing such construction or other alteration shall meet with the design review committee of the commission in a series of design workshops to review and revise the project for conformance to these regulations.
- (2) Before any structure may be erected, constructed, altered, repaired or demolished within the waterfront district, and following the design workshops, the person proposing such construction or other alteration shall file with the commission such application for permission to erect, construct, alter, repair or demolish such structure, together with such plans and specifications as the commission may reasonably require as a result of the design review process.
- (3) The application for a permit shall be submitted in a format required by the commission and containing such information, drawings, plans and specifications as specifically requested and any additional information that the commission may reasonably request. Each application shall specifically include a statement describing how the proposed site plan and building design meet the spirit and intent of these regulations and the East Providence Waterfront Special Development District Plan. All plans submitted as part of the application package shall be stamped by the appropriate licensed professional in accordance with state law.
- (4) If the commission shall fail to act on an application, which is complete in form and substance, within 40 days from the date of filing, the application shall be deemed to constitute approval unless the commission and the applicant shall mutually agree upon an extension of time in which the commission may make its decision, or unless the commission shall make

a finding of fact that circumstances require additional time for study, in either case up to a maximum of 90 days. Said mutual extension of time or said finding of fact shall be in writing and signed by a designated representative of the commission and by the party in interest. Such presumptive approval, should it occur, shall not, however, automatically also be deemed in conformance with applicable municipal, state and/or federal agency requirements, i.e., CRMC, ACO, etc. if in their respective jurisdiction(s). Additional approvals may be required from these agencies.

- (5) The design review committee will to the extent practicable incorporate the findings, policies and regulations of the Coastal Resources Management Program in order to foster the best design and the smoothest decision-making process. Applicants will be advised of the likely need for a CRMC assent and strongly encouraged to address the respective requirements.

## (c) Submittal requirements.

- (1) The applicant shall file with the commission (number to be determined) copies each of the application and documentation related to the project. The application and plans must be accompanied by the required filing fee, as approved by the commission and may be amended from time to time. The application should also include any supporting documentation as determined in the preapplication conference with the executive director or the workshops with the design review committee.
- (2) The applicant shall include a brief description of the project, including the project names, a summary of uses, size of buildings, square footage by use, total number of parking spaces, and a listing of public amenities. The description must include certification from the applicant's architect that the project complies with the intent of these regulations. If the project does not comply with the site development

- criteria contained within these regulations, or with the city zoning ordinance, a fully documented explanation of the requested deviations and/or conditional use provisions must be provided.
- (3) A phasing plan, if phasing is required, that includes, in part, the proposed schedule for completion of the development of the entire parcel and justification for the phasing request.
  - (4) A rendering, showing the project and its relationship to surrounding structures and context shall be included.
  - (5) A site plan containing the following information:
    - a. All site plans shall be drawn to a scale of one inch equals 20 feet, one inch equals 40 feet or one inch equals 80 feet, whichever is appropriate to the size of the proposal. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten seconds. The error of closure shall not exceed one to 10,000. Digitized map data on computer storage mediums (if available) may be submitted in addition to the site plans.
    - b. A key map, drawn to scale of no less than one inch equals 200 feet, showing the location of the tract with reference to surrounding areas and existing street intersections, and all zoning district boundaries within 500 feet.
    - c. North arrow, scale of map, assessor's plat information (map, block and parcel), and name, address, license number and seal of the person preparing the site plan.
    - d. Date of site plan. All revisions must be noted and dated.
    - e. Name of the proposed development, and the name and address of both the record owner and applicant. If the owner of record is a corporation, the name and address of the president and secretary shall be submitted with the application.
    - f. The assessor's plat information (map, block and parcel) and names of all owners of record of all properties within 200 feet of the subject property.
    - g. Boundaries of the property and lines of existing streets, lots, reservation, easements and areas dedicated to public use, including grants, restrictions and rights-of-way. The boundaries of the property shall also be marked in the field by survey flags or some other means acceptable to the commission, to identify limits of the property.
    - h. Acreage of parcel to the nearest tenth of an acre.
    - i. The waterfront district zoning boundaries must be shown on the site plan.
    - j. Zoning data block showing all calculations necessary to develop site and building dimensions based upon the performance standards.
    - k. All distances as measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with any other public street.
    - l. Existing contours (with intervals of two feet where slopes are more than three percent but less than 15 percent, and five feet where slopes are 15 percent or more) referred to city datum, are to be indicated by a dashed line. Where any changes in contours are proposed, finished grades must be shown as solid lines. Spot evaluations must also be shown.
    - m. Location of existing environmental features including general soil types, rock outcrops, wooded areas and major trees (12-inch caliper and over), watercourses, depressions, ponds, marshes, wetlands, floodplains, and

- other significant environmental features including previous flood elevation of watercourses, ponds and marsh areas as determined by survey. If any portion of the proposed development is located within a flood hazard area as defined in section 19-306 of the city zoning ordinance, base flood elevation data must be provided.
- n. Location and spot elevations of existing buildings, which shall remain and all other existing structures such as walls, fences, culverts, bridges, roadways, etc. Structures to be removed shall be indicated by dashed lines.
  - o. A place for the signature of the commission members must be provided on all plans and/or documents to be approved by the commission.
  - p. The proposed use or uses of land, buildings, structures, and equipment and the proposed location of buildings, structures and equipment including proposed grades. Such features must be indicated on a separate drawing where required by the building inspector. Floor space of all buildings shall also be indicated.
  - q. The location, type and density of land use to be allocated to parts of the site to be developed.
  - r. Layout, floor plans, architectural elevations, (with measurements as needed for each interpretation) and height (including relationship to existing and proposed grades) of proposed buildings, structures or equipment. Exterior elevations must include articulation of entries and rooflines and any roof structures.
  - s. Samples and descriptions of building materials to be used for all facades, roofs and architectural elements.
  - t. Sketches as needed to illustrate the visual impact on the community, with emphasis given to preserving and protecting view corridors to and from the waterfront.
  - u. Location, size, sketch and illumination, if any, of proposed signs.
  - v. 1. A drainage plan that incorporates the change in land use and routes stormflow through the site to meet requirements set by the city shall be submitted. The drainage plan shall consist of a plan showing existing and proposed drainage structures, drainage basin areas and drainage flow paths. Also included shall be a report summarizing drainage calculations. The rational method, SCS TR55 or method approved by the city engineer shall be used for runoff calculations. The design storm condition shall be one with a 25-year return period. Where use of aboveground or underground retention or detention basis is proposed, the 25-year design storm shall be used in design calculations, unless such detention or retention system is located in a special flood hazard zone, in which case a 100-year design storm shall be used. Calculations shall include predevelopment and post development conditions. Redevelopment runoff rates based on assumption of vacant land site conditions from the proposed site shall be maintained unless approved by the commission. The drainage plan shall address potential impacts on downstream properties based on a 25-year storm. Off-site analysis of runoff shall be included in the drainage plan when applicable. All drainage structures shall conform to the

standard specification of the city and subject to approval of the city engineer.

For all retention or detention basins, whether aboveground or underground, percolation tests or test pits shall be performed at the proposed site of the basin. This information will determine the suitability of the subsurface to accommodate the designed basin.

2. Location of all existing and proposed sanitary sewers, water mains and other utilities, whether publicly or privately owned, above or underground showing pipe sizes, grades and directions of flow. All proposed sanitary sewers, water mains and other utilities shall conform to the applicable requirements and standards of the city and the appropriate utility.
- w. The proposed location, direction of illumination, power and time of proposed outdoor lighting, and the location of any outdoor storage areas and dumpsters.
- x. The proposed screening and landscaping plan, as well as all other landscaping materials and treatments such as paving, lighting and street furniture. Such plan shall indicate the location, type and size of all plantings, both at time of planting and at maturity. The plan shall be prepared by a registered landscape architect unless such requirement is specifically waived by the commission.
- y. All means of vehicular access to and from the site onto public streets showing the size and location of driveways, curb cuts, parking and loading areas, and other off-site traffic improvements necessary to ensure public safety.

z. All proposed streets with profiles indicating grading, and cross sections showing width of roadway and location and width of sidewalks. All proposed improvements must be designed and constructed according to the standards and specifications of the city.

aa. Such other information as may be required to show that the details of the site plan are in accordance with this section and all applicable requirements and standards of this article.

(d) Supporting documentation.

- (1) An impact assessment shall be prepared in support of all applications, except that the commission, as part of a preapplication review, may decide that the project is not of a size or nature requiring an impact assessment or may scope an impact assessment focusing on one or more significant impacts. Where the project will involve obtaining a CRMC assent, the applicant will be encouraged to integrate documentation. Such a decision regarding the scope of the impact assessment shall be rendered within one week of the preapplication conference. The commission shall provide the applicant with written justification as to why each element of the impact assessment is being required and will coordinate with the CRMC to consolidate information requirements to the greatest practicable extent.

The impact assessment must be prepared by recognized professionals; the names, education, disciplines and experience of whom shall be included in the report.

The assessment will include an evaluation of all influences, both positive and negative, which can be expected to affect the natural and manmade environment in the vicinity of the proposed project, or will demonstrate the lack of any such impact. Both direct and indirect impacts shall be evaluated. A traffic impact study, as described below, must be included as part of the impact assessment. Other im-



pects which shall be considered as part of the impact assessment are environmental, waterfront protection and access, scenic, view corridor protection, use-compatibility, noise, air quality and similar such items.

Methods designed to mitigate, and where appropriate, monitor the impacts shall be proposed; the party responsible for implementing the mitigation and monitoring shall be identified. The commission may require the applicant to pay the reasonable costs of such consultants as the commission may deem reasonably necessary to assist in the evaluation of the impact assessment. The consultant shall be selected only after consultation with the applicant, and only upon the joint review and approval of the experience and qualification of the consultant, and joint review and approval of the proposed scope of work and cost estimate. A written report of such consultant review shall be provided to the commission and the applicant.

To provide assurances that performance standards are not to be exceeded, the commission may require, as a condition of the plan approval, that independent environmental monitoring be conducted periodically; the commission shall approve the monitoring firm and such monitoring will be supervised by the commission and carried out at the expense of the applicant. The applicant, as part of its application, shall propose appropriate monitoring activities consistent with the foregoing.

It is suggested that an outline of the impact assessment be submitted for review during the preapplication meeting.

- (2) A traffic impact study (TIS) analyzing both on-site and off-site conditions as they affect surrounding areas. The TIS shall be prepared by a firm that is licensed to do work as an engineer in the state. The purpose of a TIS is to review impacts of the proposed development on the local and state highways system. The evaluation should consider traffic capacity,

signalization and safety issues. This report will be used to determine the needed improvements in the vicinity of the site access and provide data to the commission, the city and RIDOT on what off-site improvements need to be considered.

The following are intended as guidelines for preparing a traffic impact report for developments within the waterfront development districts.

A TIS may be required for any development that generates more than 50 peak hour trips. For any TIS prepared as a requirement of these guidelines, with a lower threshold, the report will conform to these guidelines.

Once it is determined that an impact study is required, a scoping meeting may be held with the developer or his consultant and the appropriate representatives of the city and or commission. It will be the responsibility of the consultant to initiate this meeting, working through these development requirements. The purpose of this meeting is to discuss site specific information concerning the development. All interested parties should receive copies of the minutes from this meeting.

The study area should generally be in accordance with generally accepted practices for traffic impact studies; however, in all cases the network should be analyzed to the nearest signalized public street intersection in all directions from each access point; generally not greater than one mile from the access point(s).

An impact study report should include the following information:

- a. Table of contents.
- b. Introduction with and explanation of the project, purpose of the report, and an area map showing site location.

- c. A description of existing conditions, including traffic counts and analysis, and sketches of existing roadway configurations.
- d. Background conditions without site development, including annual growth in traffic to build year, if appropriate, Traffic generated by other approved developments, and a background analysis (with background traffic equal to existing traffic plus growth in existing traffic and that of other approved developments in the area), and background analysis with approved/funded highway projects.
- e. Projected conditions, with development of the site, including: traffic generated by the proposed development (i.e. site generated traffic) at build out, and/or at any significant stage of development, total traffic analysis (where total traffic is equal to existing traffic plus background growth plus additional approved development in the area and proposed site generated traffic; and, an analysis of total traffic with improvements.
- f. Conclusions/Recommendations that explain the results of analysis, and consultant/developer or RIDOT suggestions for reasonable improvements to mitigate the site traffic impacts (The level-of-service (LOS) standard that should be achieved at state intersections is "D.")
- g. Appendix, including all work sheets, traffic counts and pertinent correspondence.

The following is a more detailed explanation of the various aspects involved in preparing the report:

- a. Existing traffic shall include traffic counts performed at each intersection to be analyzed, if current turning movement counts are not available. The most recent traffic volume

counts, whether by RIDOT, consultant or the city, may be used for the study. Counts should, as a rule, not be more than one year old from when the report is prepared. Counts between one and three years old may be used if factored to the current year. Counts older than three years will not be accepted.

Peak hour counts are acceptable at intersections, generally from 7:00 to 9:00 a.m. and from 4:00 to 6:00 p.m.

Counts are not to be taken on state or federal holidays.

The presence of schools in the area must be considered when determining the date of counts.

- b. Analysis of all intersections will be analyzed using the Highway Capacity Manual (HCM) at the most up to date version at the time.
- c. Trip generation and distribution should use local trip generation rates. If local rates are not available, the latest ITE trip generation rates should be used. In the event ITE does not address the development, or is of a limited sample size, studies of similar uses may be used. Documentation of these studies should be submitted for verification. There must be some discussion of the assumptions behind the distribution of generated trips (both for the site and other approved developments in the area). The methodology to be used should be discussed at the scoping meeting.
- d. Growth in existing traffic. Growth in existing traffic is described as a factor representative of travel growth outside the study area. This factor should be applied to the existing through traffic, and appropriate turning movements, before approved development traffic is applied. The volume should be compounded to the reasonable build out years, typically

3—10 years, depending on the build out schedule. For developments with a build out of less than 3 years, growth in existing traffic need not be applied. If the city does not require growth in existing traffic, then this factor should not be applied.

- e. Approved development traffic. Approved development traffic is described as traffic generated by all approved developments within the area at the time of the report preparation. These sites can be obtained from the city and should be documented in the TIS.
- f. Background analysis. Background analysis includes existing traffic, plus growth in existing traffic, plus approved development. This analysis should take into consideration all transportation improvements expected to be in place within the study area. These improvements should include those which are already programmed or bonded by the state, the city or developer(s). These improvements should be documented in the TIS.
- g. Projected conditions shall include traffic which will be generated by the development and total traffic calculated after the site traffic is projected. After total traffic is developed, an analysis of traffic operations, with projected future roadway improvements in place (i.e. improvements addressed in the background analysis), is to be performed.  

After the analysis of total traffic is completed, all intersections and/or links within the study area resulting in a level-of-service worse than "D" must be identified and improvement(s) recommended.
- h. Conclusions/recommendations should identify any improvement suggested as being implemented by "others" and should indicate by whom. If the

improvements are funded by a public agency (i.e. the RIDOT), then a copy of the page from the appropriate document should be included in the report. If funded by another developer, then documentation should likewise be included.

There must be some discussion of the feasibility of constructing any recommended improvements. While detailed construction plans are not expected, some discussion of any obvious constraints is necessary.

Consideration should be given to providing improvements at locations that experience a significant decrease in capacity due to the proposed development. A final analysis of the study area must be performed to include any recommended improvements. If a traffic signal is to be proposed, then a signal warrant analysis must be performed in accordance with RIDOT's warrant analysis procedures, and included in the report. After review of this analysis, RIDOT may require additional study, including exploring other alternatives to signalization, before reaching a final determination on the need for a signal.

The report should include a discussion of the improvements that the developer will construct and/or fund as part of the, development proposal.

- (3) The location and size of any common or public open space, including public access to and along the waterfront, and the form of organization proposed to own and maintain any common or public open space areas. The proposed organization shall include provisions which recognize the right of the commission or the city to enforce the maintenance of common open space in reasonable order and condition and to assess the property owners for the cost of such maintenance in the event of the failure of the organization to maintain the common open space. Such assessment

shall become a lien on the properties. This will be carried out in conjunction with Rhode Island Coastal Resources Management Council policies and decisions on public access and rights-of-way to the shore.

- (4) A copy of any covenants, deed restrictions or conditional provisions that are intended to cover all or any part of the tract.
- (5) A survey prepared by a licensed professional land surveyor in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations shall accompany the site plan and shall show the boundaries of the parcel and the limits of all proposed streets, recreation areas, and other property to be dedicated to public use. Appropriate assurances shall be provided by the applicant to the commission indicating that all private roads and other applicable facilities will be maintained, and other supplementary services will be provided by the applicant or successors and assigns.

(Ch. 317, § I. 3-2-04)

**Sec. 19-477. Public hearings and notice requirements.**

(a) Public hearings shall be held on the initial application and on requests for deviations and conditional use provisions. The commission shall also have the authority to call and conduct public hearings, in accordance with established procedures, on any matters which the commission determines would benefit from a public hearing.

(b) Hearing panel. Public hearings before the hearing panel shall be set within a reasonable time not to exceed 30 days from the date of the design review committee public hearing.

Waterfront commission. Public hearings before the commission shall be set within a reasonable time not to exceed 30 days from the date of the design review committee public hearing or not to exceed 30 days from the date of any required public hearing before the hearing panel.

- (1) Published at least 14 days prior to the date of such hearing in a newspaper of general circulation in the city.

- (2) Sent by first class mail to the applicant.
- (3) Sent registered or certified mail to all owners of real property whose property is located at or within a 200-foot radius of the perimeter of the subject property. The applicant shall submit to the commission two (2) lists of names and mailing addresses (including zip codes) of the property owners within the 200-foot radius at least 14 days prior to the public hearing. The list of property owners must be in accordance with the latest listing available in the office of the city tax assessor, and such names and address shall be listed by plat and lot numbers. At least two days prior to the hearing date, the applicant shall file with the commission a certification under oath that notice was mailed in accordance with this regulation. Within 30 days of mailing of notice, the applicant shall file with the commission all return receipts for the certified mailing notice. Any notices which were not deliverable for any reason shall also be filed with the commission by the applicant. The costs associated with any notice and advertising required under this section shall be borne by the applicant.
- (4) Sent by first class mail to the city or town council, of any city or town that is located at or within 200 feet of the boundary of the subject area.
- (5) Sent first class mail to the city or town of any city or town 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, at or within 2,000 feet of the subject property, regardless of the municipal boundaries.
- (6) Sent to the governing body of any state or municipal water department or agency, special 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 at or within 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 building inspector in the city with a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.

(c) The newspaper notice shall use a type size at least as large as the normal type size used by the newspaper in its news articles, and shall specify the place of the hearing and the date and time of its commencement; indicate that an application for new development and/or for a deviation, conditional use provision is under consideration; contain a statement or summary describing the matter under consideration; advise those interested when a copy of the matter under consideration may be obtained or examined and copied; and, state that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

(d) Any party may appear at the public hearing in person, or by agent or attorney. The hearing held by the commission is a public meeting and all decisions reached by the commission shall be made and voted upon at a public meeting. The commission shall hear all evidence on the request, and consider the written reports by commission staff or other relevant agencies when reaching a decision on the findings.

(e) The design review committee shall evaluate each application for conformance with the regulations and reviewing criteria and make recommendations to the hearing panel and/or the East Providence Waterfront special development district commission for their action. It is the role of the hearing panel, if required, to summarize the facts brought out at the public hearings and submit its findings to the East Providence Waterfront special development district commission. At its public hearing, the commission will receive such evidence as the parties may present and may approve, modify or reject the recommenda-

tions of the design review committee and the hearing panel. Decisions of the commission shall be in writing and shall state the facts upon which the decision is based.

(Ch. 317, § I, 3-2-04)

#### Sec. 19-478. Issuance of permits.

(a) Upon making a decision, the commission shall file with the building inspector, or such other duly delegated authority, a certificate of approval or certificate of rejection of all plans submitted to it for review. No construction and/or demolition shall begin until a certificate of approval has been filed. In the event the commission issues a certificate of rejection, such certificate of rejection shall be binding upon the building inspector or other duly delegated authority, and no permit shall be issued in such case.

(b) In the event that a certificate of approval is issued, the applicant must then file the certificate of approval with the building inspector when requesting a permit. The applicant shall make no changes to the plans after issuance of a certificate of approval without the written consent of the commission or a duly authorized commission official, in accordance with written procedures established by the commission and applicable in a uniform and non-discriminatory manner to all applicants who have received certificate of approval for plans.

(c) No permit shall be granted by the city building inspector until the commission has acted thereon and is hereinafter provided, and no construction or alteration of a structure may be undertaken without such permit.

(d) Follow-up review. At the completion of design development and at other times as the commission may deem appropriate, the developer shall submit additional design materials to the commission for the purpose of determining whether the developer is proceeding in accordance with the certificate of approval. The developer shall notify the commission of any design changes subsequent to the date of the certificate of approval on a follow-up review form provided by the commission.

(Ch. 317, § I, 3-2-04)

**Sec. 19-479. Deviations and conditional use provisions.**

(a) Pursuant to and in accordance with G.L. 1956, § 45-24.4-13, the commission may entertain applications for, and in its discretion, grant or deny, deviations and conditional use provisions from these regulations.

(b) As provided herein, "deviations" shall mean permission to deviate from the area and performance standards of these regulations which regulate the manner in which a use permitted under the terms of these regulations may be implemented by the owner.

(c) As used herein, "conditional use provisions" shall mean a use permitted in these regulations pursuant to and in accordance with the conditions and/or circumstances established in these regulations.

(d) Deviations to the terms of these regulations may be granted by the commission when literal enforcement of the regulations relating to setbacks, building heights, parking requirements and other area and dimensional restrictions set forth in the performance standards as outlined in section (g) would preclude the full enjoyment of the owner of a permitted use and would amount to more than a mere inconvenience.

(e) Conditional use provisions may be granted by the commission in those cases where the use permitted specifies a conditional use. The conditions provided, and the use granted shall be limited to those which ensure the convenience and welfare of the public and do not substantially or permanently injure the value of neighboring property. The applicant must demonstrate to the satisfaction of the commission that neither the proposed use nor its location on the site would have a detrimental effect on the public health, safety, welfare or morals.

(f) In granting a deviation or conditional use provision, the commission may impose such special conditions as are deemed necessary to maintain harmony with other parcels or subdivisions thereof within the waterfront district and to promote the objectives and intent of these regulations and of the development plan.

(g) In reviewing any application for a deviation or conditional use provision on any site, the commission may consider, among other factors, the following:

- (1) Protection of adjoining properties and other parcels in the waterfront district from any detrimental use on the site.
- (2) Convenience and safety of vehicular and pedestrian movement within the site in relation to adjacent streets, properties, improvements and in conformance with the express design intent.
- (3) Adequacy of the methods of disposal for sewage, refuse and other wastes, and methods of drainage of surface water.
- (4) Provisions of off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site.
- (5) Adequacy of all other municipal facilities and services to meet the needs of the site.
- (6) Achievement of overall design objectives of the development plan.

(h) Any person desiring approval for a deviation or conditional use provision shall make an application to the commission on a form prescribed by the commission, which shall describe the relief sought and shall contain such information as may be required by these regulations and by the rules of the commission.

(i) Any deviation or conditional use provision granted by the commission shall expire within one year from the date of granting by the commission unless the applicant exercises the permission granted, or receives a building permit to do so, or seeks an extension from the commission, which extension may be granted for good cause shown. The applicant may petition the commission for up to six six-month extensions. No additional exten-

sions will be permitted and the certificate will expire. However, at the expiration of all the extensions, the developer may choose to refile the existing, or a revised application. This refiled and/or revised application is subject to all the design review workshops, public hearing and notice requirements described herein.

(Ch. 317, § I, 3-2-04)

#### Sec. 19-480. Uses permitted.

(a) The following table lists the sub-districts within the waterfront district, and the uses permitted within each sub-district. The purpose of these regulations is to ensure compatibility and efficient, economical use of land within the waterfront district. These regulations are also intended to encourage development projects and use of land which is functional, and to protect the city's residences, businesses, and infrastructure in a manner that is consistent with the comprehensive plan.

This article is intended to enable the development of the waterfront district in keeping with the scale and character set forth in the East Providence Waterfront Special Development District Plan. It provides a framework to allow higher land use densities in a context that promotes mixing land uses and building types, provides larger common open space areas and contiguous public access to and along the waterfront, lowers street and utility costs because of reduced frontage, and promotes a concentration of uses within a pedestrian friendly environment. Waterfront development is guided by a development plan review process in which the East Providence Waterfront special development district commission has significant involvement in determining the scale of the development and the character of the uses.

- (1) Permitted uses are any use allowed in the waterfront district by this article IX, subject to the provisions applicable to that sub-district contained within this article.
- (2) Accessory uses are uses which are considered to be subordinate to, and serve the main building or principal use; contribute to the comfort, convenience or necessity of the occupants of the main building or principal use served; are subordinate in

area, extent and purpose to the main building or principal use served; are located within or external to the main building or principal use, but on the same lot.

- (3) Conditional uses are a discretionary entitlement which may be granted under the provisions of this article, and which, when granted, authorize a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement by the East Providence Waterfront special development district commission.

(b) Any change in the principal use of a property, or within the buildings or structures located on a property, shall be required to be reviewed by the executive director for compliance with the district regulations set forth for the zoning of said property, prior to the occurrence of the proposed change in use.

(c) Unnamed uses, or uses not specifically defined in this article, are not allowed except as follows:

- (1) Upon application therefore, the executive director may determine whether a proposed use which is not specifically named within any zone district created by this article, and is not an accessory use, is similar to and compatible with uses otherwise allowed within a specific zone district and may, upon making a determination of similar and compatible uses, allow the proposed use within that district.
- (2) In making the determination of similarity and compatibility, the executive director shall consider, among other relevant matters, traffic generation, density of population, and hours of operation of the proposed use in comparison to specifically named uses within the district in question, and with named uses permitted in other zone districts.
- (d) The waterfront district encourages mixed land uses which may include, but are not limited to, any combination of housing, offices, retail and service businesses, and public and civic uses. Land uses may be mixed by floor (vertically

within a building) or horizontally on a parcel of land. Office and residential uses are encouraged above ground level retail spaces. The scale of mixed use may range from a single stand-alone retail use with residential uses on upper stories, to a major development that integrates housing, offices, shops, streets and public spaces.

The intent of the waterfront district is to provide uses in conformance with the East Providence Waterfront Special Development District Plan. The plan identifies a range of general land uses within each of the waterfront sub-districts, as described in the following subsections:

- (1) *Kettle Point*: Medium density residential, with ancillary commercial uses including restaurants, clubhouses, marinas and limited retail geared toward residents.
- (2) *Veterans Memorial Parkway*: Medium density multi-family residential along the Veterans Memorial Parkway frontage, with commercial and retail uses at the lower levels of the site, and marina uses at the waterfront.
- (3) *Bold Point Harbor*: A mixed-use high density area of commercial, office, retail and high density multi-family residential uses. Hospitality uses, including hotels and lodging, cafes, restaurants, bars and entertainment venues are also encouraged. Marinas, with limited support services, and water-transit related services are also permitted. Heavy commercial or industrial land uses are not permitted.
- (4) *Crook Point*: Retail and hospitality uses are encouraged closer to the Washington Bridge, with commercial office, retail and high density residential uses transitioning north toward the Henderson Bridge.
- (5) *Dexter Road*: Technology-oriented light manufacturing, including offices, research and development, commercial education institutions and supportive commercial retail uses. Heavy commercial, mini-storage or industrial land uses are not permitted.
- (6) *Phillipsdale*: A mix of commercial office, retail, mixed-density residential (single-



family, townhouses and multi-family condominiums), light manufacturing (in selected areas) and artisan live/work studio space.

- (7) *Pawtucket Avenue*: Commercial office, light manufacturing and research and development, with medium density multi-family residential in selected areas.

(Ch. 317, § I. 3-2-04)

**Sec. 19-481. Schedule of use regulations.**

The following is a schedule of use regulations:

Y = Yes, permitted use

N = No, prohibited use

C = Conditional use

Use	Northern Waterfront Districts			Southern Waterfront Districts		
	Phil-lipsdale Sub-dis-trict	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. And Taunton Ave. Sub-districts	Bold Point Sub-dis-trict	Veterans Sub-dis-trict	Kettle Pt. Sub-dis-trict
<b>RESIDENTIAL AND RELATED USES</b>						
One family	C	N	N	N	C	C
Two-family	Y	N	N	N	Y	Y
Three-family	Y	N	C	N	Y	Y
Apartment/condominium	Y	N	Y	Y	Y	Y
Community residences	C	N	C	C	C	C
Artisan live/work	Y	Y	Y	Y	N	N
Continuing care	N	N	C	C	C	N
<b>RETAIL BUSINESS</b>						
Apparel and accessory stores	Y	Y	Y	Y	Y	C
Art galleries	Y	Y	Y	Y	Y	Y
Funeral home, mortuary	C	Y	C	C	N	N
Furniture, home furnishings and appliances	Y	Y	Y	Y	N	N
Gasoline dispensing facilities	C	C	C	C	N	N
General merchandise	Y	Y	Y	Y	N	C
Grocery stores	Y	Y	Y	Y	C	C
Office supplies and equipment	Y	Y	Y	Y	N	N
Printing or publishing	Y	Y	Y	Y	N	N
Package liquor stores	Y	Y	Y	Y	Y	Y
Specialty stores	Y	Y	Y	Y	Y	C
<b>Eating and Drinking Establishments</b>						

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Use	Northern Waterfront Districts			Southern Waterfront Districts		
	Phil-lipsdale Sub-dis-trict	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. And Taunton Ave. Sub-districts	Bold Point Sub-dis-trict	Veterans Sub-dis-trict	Kettle Pt. Sub-dis-trict
Restaurants, coffee shops, delicatessens, and ice cream parlors, with indoor and/or outdoor seating	Y	Y	Y	Y	C	C
Fast food restaurants	N	C	C	C	N	N
Taverns, bars, lounges, pubs and similar establishments	Y	Y	Y	Y	C	C
Entertainment/clubs	Y	Y	Y	Y	C	C
<b>LODGING</b>						
Bed and breakfast	C	N	C	C	C	C
Conference center	C	N	Y	Y	N	N
Hotel	C	N	C	C	C	N
Motel	N	N	C	C	N	N
<b>OFFICE USES</b>						
Banks	Y	Y	Y	Y	Y	Y
Business offices	Y	Y	Y	Y	C	C
Corporate headquarters	Y	Y	Y	Y	C	C
Call-in center	N	Y	C	N	N	N
Government offices	C	Y	C	Y	N	N
Post offices	Y	Y	Y	Y	C	C
<b>HEALTH SERVICES</b>						
Medical offices	C	C	C	C	C	C
Medical research, engineering or testing laboratory	Y	Y	C	C	N	N
Nursing, congregate care, assisted living and convalescence homes	C	N	C	C	N	N
Veterinary offices/clinics	C	Y	C	C	N	N
<b>PERSONAL SERVICES</b>						
Child day care centers, nursery schools	Y	N	Y	Y	Y	Y
Dry cleaners	Y	Y	Y	Y	C	C
Family child care homes	Y	N	N	N	Y	Y
Funeral parlors and mortuaries	C	N	C	C	N	N
Hair salon/barber shop	Y	Y	Y	Y	Y	Y
Laundromats	Y	Y	Y	Y	C	C
Personal services	Y	Y	Y	Y	Y	Y
Pharmacies	C	N	C	C	C	C
<b>RECREATION AND CULTURE</b>						

Use	Northern Waterfront Districts			Southern Waterfront Districts		
	Phil-lipsdale Sub-dis-trict	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. And Taunton Ave. Sub-districts	Bold Point Sub-dis-trict	Veterans Sub-dis-trict	Kettle Pt. Sub-dis-trict
Auditoriums and places of assembly	Y	C	Y	Y	C	C
Boat and yacht clubs	Y	C	Y	Y	Y	Y
Bowling alley	C	N	Y	Y	N	N
Business and trade schools	C	Y	N	N	N	N
Dance hall	C	N	Y	Y	N	N
Farmers market	C	C	C	C	N	N
Health fitness centers and dance studios	C	N	Y	Y	C	C
Libraries	Y	Y	Y	Y	Y	Y
Marinas/boat launching facilities	Y	Y	Y	Y	Y	Y
Municipal facility	Y	Y	Y	Y	Y	Y
Museums	Y	Y	Y	Y	C	C
Non-profit clubs: civic, social or fraternal	C	N	Y	Y	C	C
Park, playground or playfield	Y	N	Y	Y	Y	Y
Places of worship	Y	C	C	C	C	N
Public or private elementary, junior high or high school	Y	N	Y	Y	Y	Y
Recreation, indoor	C	C	Y	Y	N	N
Recreation, outdoor	C	N	C	C	C	C
Indoor theater, indoor	C	N	C	Y	N	N
Watershed protection or supply	Y	Y	Y	Y	Y	Y
<b>LIGHT INDUSTRIAL/FLEX TECH USES</b>						
Accessory retail industry	C	C	N	N	N	N
Distribution center or warehouse	C	C	N	N	N	N
Flex tech	C	Y	C	N	N	N
Industrial or manufacturing related office	C	Y	N	N	N	N
Light manufacturing	C	Y	N	N	N	N
Open storage	N	C	N	N	N	N
Printing and publishing	C	Y	C	C	N	N
Research and development	C	Y	Y	C	N	N
Sale of business and/or industrial equipment and supplies	C	Y	N	N	N	N

Use	Northern Waterfront Districts			Southern Waterfront Districts		
	Phil-lipsdale Sub-dis-trict	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. And Taunton Ave. Sub-districts	Bold Point Sub-dis-trict	Veterans Sub-dis-trict	Kettle Pt. Sub-dis-trict
Wholesale showroom with storage and repair facilities	C	C	N	N	N	N
<b>OTHER USES</b>						
Commercial parking facilities	Y	Y	Y	Y	C	C
Marine transport	C	C	C	C	C	C
Transit shelters	Y	Y	Y	Y	Y	Y
<b>UTILITIES</b>						
Communication services and broadcasting offices	C	C	N	N	N	N
Public utilities not otherwise mentioned	C	C	C	C	C	C
Radio, television or wireless telecommunication antennas	C	C	C	C	C	C
<b>ACCESSORY USES AND STRUCTURES</b>						
Bank ATM machines	Y	Y	Y	Y	Y	Y
Boat, kayak, canoe rental	C	C	C	C	C	C
Commercial satellite dishes	C	C	C	C	C	C
Construction trailer	C	C	C	C	C	C
Home occupation	C	N	C	C	C	C
Fences and walls	Y	Y	Y	Y	Y	Y
Indoor rack boat storage	C	C	C	C	C	C
Off-street parking areas	Y	Y	Y	Y	Y	Y
<b>PROHIBITED USES</b> The specific prohibited uses enumerated herein and in section 19-96 are in addition to any and all other uses which are prohibited in accordance with sections 19-4 and 19-98.						
Adult oriented businesses						
Automobile rental agencies						
Billboards						
Bulk storage of chemicals						
Car wash						
Cemetery						
Drive-through facilities						
Dumps and sanitary fills						
Farming						
Heavy industry						
Hospitals						
Junk and salvage yards						
Mini/self-storage						
Mobile homes						
Motor vehicle sales						

<i>Use</i>	<i>Northern Waterfront Districts</i>			<i>Southern Waterfront Districts</i>		
	<i>Phil-lipsdale Sub-dis-trict</i>	<i>Dexier Rd. and Pawtucket Ave. Sub-districts</i>	<i>Crook Pt. And Taunton Ave. Sub-districts</i>	<i>Bold Point Sub-dis-trict</i>	<i>Veterans Sub-dis-trict</i>	<i>Kettle Pt. Sub-dis-trict</i>
Motor vehicle supply stores						
Motor vehicle repair						
Radio, television or wireless communication towers						

(Ch. 317, § I, 3-2-04)

**Sec. 19-482. Performance standards.**

Flexible and creative lot layout and site design is encouraged to promote a mix of residential, commercial, office and public uses in a vibrant pedestrian oriented environment. The following performance standards delineate provisions for site development for uses permitted in the various sub-districts in the waterfront district.

The intent of the performance standards is to control the location of buildings to define and contain the street space, and to concentrate and reinforce pedestrian activity. Buildings in the waterfront district should reinforce the characteristics consistent with urban waterfront areas, with "build to" lines maintained for most of their frontage at the edge of the public right-of-way.

<i>Land Use</i>	<i>Land Allocation</i>	<i>Lots and Buildings</i>	<i>Streets and Ways</i>	<i>Off-Street Parking</i>
General: Land within the waterfront district shall be available for uses as provided below.	Similar land uses should front each other. Dissimilar land use categories may abut along rear lot lines or across streets.	All lots shall front on a street or public open space. All buildings except out-buildings shall have their main entrance opening on a street or public open space. Attics and raised basements/covered parking shall not count against story height limitations. Stoops, open porches and outdoor seating areas may encroach into the front setback.	All lots/tracts shall have access to a public street or way. Rear alleys are encouraged and when utilized shall be a minimum width of 24 feet. No block shall have a length greater than 400 feet unless an alley or other means of public access is provided for through access. Street lamps shall be provided at intervals of no more than 100 feet. Street trees shall be provided at a maximum of 60 feet on center.	On street parking adjacent to a lot shall count toward meeting parking requirements for the lot's uses. Parking lots shall generally be located at the rear of the buildings and shall be screened from public ways. Parking lots/decks shall not terminate public street vistas to the waterfront.

<i>Land Use</i>	<i>Land Allocation</i>	<i>Lots and Buildings</i>	<i>Streets and Ways</i>	<i>Off-Street Parking</i>
<p>Public land use includes land designated for parks, squares, streets and ways, and public open space. Civic uses may be located within public use lots.</p>	<p>A minimum of five percent of residential tracts (gross area) shall be designated public open space. Parks, squares and waterfront open space shall have at least 50 percent of their perimeter abutting a public right of way. Waterfront properties must maintain a minimum of a 50-foot setback for contiguous waterfront access. Such allocation will count toward the provisions for designated open space.</p>	<p>Balconies may encroach up to four feet into public ways and open space, and shall be protected by easements.</p>		<p>Shared parking is encouraged for public uses. Parking lots for public use shall be landscaped, but may be unpaved where determined appropriate.</p>
<p>Civic land use contains community buildings including libraries, post offices, schools, museums, religious buildings, performing arts, municipal and cultural buildings and others by conditional use provision approval.</p>	<p>Civic lots should be located on public parks, squares or on lots terminating at a street vista.</p>	<p>There shall be no height restriction for buildings designated for civic use.</p>		<p>Shared parking shall be utilized for civic uses where feasible. Generally, parking shall be located at the rear of the building and screened from public ways.</p>

<i>Land Use</i>	<i>Land Allocation</i>	<i>Lots and Buildings</i>	<i>Streets and Ways</i>	<i>Off-Street Parking</i>
<p>Commercial land use includes lots/tracts containing buildings primarily for business uses including retail, office, medical office, entertainment, restaurant, lodging, artisan, and those buildings or developments mixed with a residential component.</p>	<p>Retail lots shall have a maximum street frontage of 175 feet.</p>	<p>Buildings shall be setback between 0 to 15 feet from the front yard right of way.                      Commercial buildings shall have their front facade built within five feet of the setback line or right-of-way along a minimum of 70 percent of their frontage.                      Side setbacks, if provided, shall be at least 5 feet from the property line.                      Building coverage shall not exceed 70 percent of the lot area.                      A 100 percent coverage is allowed if parking is under the building.                      Commercial buildings shall have no required side yard setbacks.                      Buildings shall not exceed four stories in height except in special designated areas as approved by the commission; a minimum of two stories is encouraged.                      When fronting on public open space buildings should be stepped with a setback of six feet for levels over the first two stories.</p>	<p>Commercial lots/tracts shall front on public streets/ways which have a minimum right of way of 50 feet, with two travel lanes, parallel parking on both sides, and 6 foot sidewalks.                      Street trees shall be planted-a maximum of 60 feet on both sides of streets.                      Service alleys at the rear of commercial lots are encouraged.</p>	<p>There shall be one parking space per 300 square feet of building area for office, retail, and entertainment uses.                      There shall be one parking space per 250 square feet for medical offices.                      There shall be one parking space for every four seats of restaurant uses.                      There shall be one parking space per room of lodging.                      There shall be one parking space per unit for senior housing.                      There shall be two parking spaces per unit of residential and artisan live/work uses.                      Shared parking will be utilized for mixed-use areas where feasible.                      85 percent of the parking must be provided on the site.                      There shall be a limit of two parking bays on one side of a lot, or one bay on each side.                      General parking is not permitted in the front of a building lot.</p>



<i>Land Use</i>	<i>Land Allocation</i>	<i>Lots and Buildings</i>	<i>Streets and Ways</i>	<i>Off-Street Parking</i>
<p>High density residential includes land designated for residential and a mix of limited business use including limited office, lodging, retail, artisan, community, recreational and other uses by conditional use provision approval.</p>	<p>A maximum of ten percent of the total parcel area devoted to a mixed residential project may be single-family lots. Single-family lots shall have a maximum size of 7,260 square feet. Single-family lots shall have a minimum of 50 to a maximum of 75 feet of frontage.</p>	<p>High density residential shall be limited to designated areas in the waterfront district. Within such areas, building height limits shall be evaluated on a case by case basis by the commission with regard to view corridor assessments from within and outside of the waterfront district. Building coverage shall not exceed 70 percent of the lot area. A 100% coverage is allowed if parking is under the building. Front yard setback shall be a minimum of five feet. There shall be no required side yard setback. Side setbacks, if provided, shall be at least 5 feet from the property line.</p>	<p>High density lots should front on streets having a minimum right of way of 50 feet with two travel lanes, parallel parking on both sides, and six-foot sidewalks. Street trees shall be planted-a maximum of 60 feet on both sides of streets containing high density residential uses.</p>	<p>There shall be two parking spaces per unit of residential and artisan live/work uses. There shall be one parking space per unit for senior housing. There shall be one parking space per 300 square feet of building area for office, retail, and entertainment uses. There shall be one parking space for every four seats of restaurant uses. There shall be one parking space per room of lodging. Shared parking will be utilized for mixed-use areas where feasible. All off-street parking shall be at the rear of the building and screened from public ways.</p>

<u>Land Use</u>	<u>Land Allocation</u>	<u>Lots and Buildings</u>	<u>Streets and Ways</u>	<u>Off-Street Parking</u>
<p>Medium density residential is land designated for residential and limited commercial uses, including townhomes, apartments and other attached housing, artist live/work studios, home offices and smaller scale neighborhood oriented retail establishments.</p>	<p>A maximum of fifteen percent of the total parcel area devoted to a mixed residential project may be single-family lots. Single-family lots shall have a maximum size of 7,260 square feet. Single-family lots shall have a minimum of 50 to a maximum of 75 feet of frontage.</p>	<p>Buildings shall be setback between 0 to 25 feet from the front yard right of way. Buildings shall be setback from side lot lines equivalent to no less than 20 percent of the lot width. The entire side yard setback may be allocated to one side. Building coverage shall not exceed 70 percent of the lot area. Building height shall not exceed five stories.</p>	<p>Lots shall front on streets with a minimum right of way of 50 feet with at least two 10 foot travel lanes, parallel parking and six-foot sidewalks on both sides. Where minimum setback is utilized, building height at the street shall be no more than three stories; stories above this must be setback an additional ten feet. The use of rear alleys is encouraged; the width of such alleys shall be 24 feet.</p>	<p>There shall be a minimum of one space per two bedrooms of residential uses. On-street parking may be used to meet the requirements of non-residential uses within a mixed-use building or in a stand alone facility. All off-street parking shall be located to the rear or side of the building and screened from public ways.</p>

<i>Land Use</i>	<i>Land Allocation</i>	<i>Lots and Buildings</i>	<i>Streets and Ways</i>	<i>Off-Street Parking</i>
<p>Low density residential land shall be in lots containing buildings for residential uses including single-family homes, artist studios, guest cottages, home offices and others by conditional use provision approval. All of the building area above the ground floor shall be for residential use, with accessory uses permitted on each lot.</p>	<p>Low density residential may be included where a mix of housing types and densities is desired. A maximum of 25 percent of the total parcel area devoted to a mixed residential project may be single-family lots. Single-family lots shall have a maximum size of 7,260 square feet. Single-family lots shall have a minimum of 50 to a maximum of 75 feet of frontage.</p>	<p>Buildings shall be set back from 0 to 25 feet from the frontage line. Buildings shall be set back from side lot lines no less than 20 percent of the lot width. The entire setback can be allocated to one side of the lot. Primary buildings shall be set back no less than 30 feet from the rear lot line except for outbuildings. Building coverage shall not exceed more than 70 percent of the lot area. Buildings shall not exceed more than two stories in height.</p>	<p>Single-family lots shall front on streets with a minimum of 40 feet of right of way. Street trees shall be installed on both sides at no more than 60 foot intervals. Lots may have their rear lot lines coincide with a minimum 24-foot alley.</p>	<p>One off street parking space should be provided per two bedrooms of residential uses. Parking and garages for all residential uses shall be prohibited in front yard setback areas. Garages facing a front yard property line shall not be located closer to the front lot line than the foremost facade of the principle building facing the front property line.</p>

<p><u>Land Use</u> Business uses includes land designated for office, medical offices, light industry, artisan, warehousing, instructional and other uses by conditional use provision approval.</p>	<p><u>Land Allocation</u> Business use lots shall have a minimum of 100 feet of frontage.</p>	<p><u>Lots and Buildings</u> There shall be no front yard setback requirement. Building coverage shall not exceed 70 percent of the lot area. Building height shall not exceed three stories</p>	<p><u>Streets and Ways</u> Business lots/tracts shall front on public streets/ways which have a minimum right of way of 50 feet, with two travel lanes, parallel parking on both sides, and six-foot sidewalks.</p> <p>Street trees shall be planted-a maximum of 60 feet on both sides of streets. Service alleys at the rear of commercial lots are encouraged.</p>	<p><u>Off-Street Parking</u> There shall be one parking space per 250 square feet for office and medical office uses. There shall be one space per 500 square feet for all other uses. Off street parking may be to the side or rear of the building. 85 percent of the parking must be provided on the site. There shall be a limit of two parking bays on one side of a lot, or one bay or each side. General parking is not permitted in the front of a building lot. Where a business use abuts a residential use parking must be screened.</p>
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(Ch. 317, § 1, 3-2-04)

**Sec. 19-483. Site development criteria.**

(a) Applicants are encouraged to design developments to coincide with the goals and intent of the East Providence Waterfront special development district plan, including proposed building styles and materials, the relationships between any proposed buildings and the site, and the overall physical appearance of the waterfront district.

The following site development criteria will be evaluated by the design review committee in its review of all development in the waterfront district. Applications for project review shall include a certification for the applicant's architect that the project complies with the intent of these regulations. If the project does not comply, a fully documented explanation of the requested. Deviations and/or conditional use provisions must be provided.

(b) Architectural standards.

- (1) The architectural design of buildings, structures and site layout shall be visually compatible with a traditional New England waterfront sale and character, including building materials, massing, density, scale and roof lines.
- (2) Where practical, buildings should be placed at the sidewalk or near to the front property line, with their primary entrances oriented to the street. Treatment of the sides and rear of all buildings shall be comparable in appearance and amenities of the treatment given to street frontages. Except for single-family development, buildings on waterfront sites will have their primary facades facing the river. Buildings will orient their required open space to the waterfront. However, care must also be taken to create a pleasing facade to the street-side frontage and entrance of such sites.
- (3) Integration of all properties within the waterfront district is critical to promote vitality and sustain the mixed use character of the area. Interconnectivity is encouraged through the use of street design and pedestrian connections. Private roads are discouraged, unless they are designed to provide connections to service areas within the property. Campus like developments, such as suburban style office parks or "gated" residential communities, are highly discouraged.
- (4) Building placement and design should work with varying site grades and topographical elements to incorporate covered/structured parking at lower levels of the building or below grade. Lower level covered parking should be accessed from the side or the rear of the lot, with efforts made to ensure that the primary facade of the building reflects the internal uses and include inviting entrances.
- (5) Parking structures should be compatible with adjacent uses and architecture, including use of similar facade materials and design. Parking uses and the appearance of parking structures should not dominate the public streetscapes. The design of all above grade parking structures should include usable retail, commercial and/or residential uses as appropriate along first floor and street frontages.
- (6) The height of buildings should be compatible with surrounding development and neighborhoods. Only low-scale buildings shall be located along the water's edge and adjacent to residential neighborhoods. Scenic view corridors of the water should be preserved.
- (7) A diversity of roof heights, gable orientations and volumes in new buildings shall be provided. Buildings shall be designed with traditional roof forms that are compatible with the character of the surroundings, including but not limited to gambrel, gable and hipped roofs commonly found in New England cities and towns.
- (8) Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the context of surrounding buildings. Exaggerated or excessively large architectural elements should be avoided. Traditional and contemporary architectural de-

tailing which creates variety, interest and texture on new buildings and additions is encouraged.

- (9) Traditional building materials such as shingles, wood clapboards, brick and stone should be used for the exterior of new construction and additions. Additional materials, such as precast concrete, prefabricated panels or architectural metals, may be used if they are of a high quality finish and are in a design consistent with a traditional waterfront or New England town character. These materials shall be considered for all buildings or portions of buildings facing public or private streets. Buildings of entirely glass and/or mirrored exterior finishes shall not be permitted.
- (10) Developers and designers are encouraged to incorporate sustainable design practices and environmentally friendly building materials. Efforts should be made to include elements into the site and building design process that conserve energy and minimize pollution from demolition/construction through building occupancy. Building design should incorporate elements that take full advantage of solar energy for lighting and warming; embrace techniques that optimize water conservation and protect water quality; and implement measures to improve air quality and ventilation.
- (11) Building facades at lower levels should be a masonry-like material of a high quality and level of finish. Detail and ornamentation should enhance street level facades with entrance points denoted through front porches, columns, differential ceiling heights, lighting and variation of materials to accentuate lobby areas.
- (12) Primary building entrances should be oriented to the public sidewalks along the primary street frontage. Development along new or existing public streets should provide open and inviting facades and should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls and should provide frequent street level entries. At least 50 percent of the ground floor facade of non-residential buildings shall be constructed of transparent materials, or otherwise designed to allow pedestrians to view activities inside the building. For retail uses, buildings sited along primary streets should utilize traditional storefront design principles along the ground floor, and provide appealing displays and clear glazing to allow views into store windows and building interiors to enhance the pedestrian experience.
- (13) In sub-districts designated for mixed-uses or commercial and office environments, the ground floor of buildings should primarily entail uses geared toward pedestrians, such as retail stores, cafes and restaurants, or civic and cultural uses such as a museum, galleries or community facilities.
- (14) Upper levels of building facades should be clad in lighter color materials, with a presentation that responds to a waterfront character. For second floors and above, between 25 percent and 60 percent of the facade should be windows or transparent glazing. Emphasis should be given to using materials and ornamentation to provide a sense of depth and relief to enrich the wall surfaces, including materials that provide a sense of scale and texture, and that reinforce a vertical orientation.
- (15) The construction of buildings which are designed according to themes or architectural styles associated with chain stores or restaurants shall be reviewed by the East Providence Waterfront special development district commission, and may be modified or prohibited if found to be inconsistent with the intent of this chapter.
- (16) Residential buildings should be clustered or located in such a manner that provides a distinctive and traditional urban neighborhood character. Buildings shall be ori-

ented to the street, with front yards and entryways that provide easy and inviting access to pedestrian connections.

- (17) Large scale development shall take the form of village-like groupings of small scale buildings, rather than a large individual structures or box-like buildings set back on a large expanse of paved parking. New buildings shall not be large bulky horizontal masses, but shall be scaled down into groupings of smaller attached or detached structures with a vertical orientation.
- (18) Infill development and/or redevelopment within existing built areas shall require a "build-to" line to re-establish continuity of the street wall. Likewise, small-scale development without a directly abutting neighbor should be guided by adjacent development patterns as a means to incrementally fill empty portions of the streetscape and achieve compatibility with surrounding neighborhoods.
- (19) New public and civic structures should use the highest quality materials and design to assign a sense of permanence and importance to their role in the community. Design of the buildings should reflect an inviting appearance, and incorporate plazas or open space areas to encourage public gathering. Additionally, these structures should relate strongly to the streets and open spaces where they are located.
- (20) Where feasible, emphasis shall be given to protect historic structures from demolition and carefully rehabilitate them in a way that is consistent with their original architectural intent. New additions to historically significant buildings should be designed for compatibility with the original structure in size, composition and material and should result in the minimum necessary loss of original architectural material. Consultation with the state historic preservation and heritage commission shall occur when historic properties are considered for rehabilitation or redevelopment.
- (21) Service areas, mechanical equipment, dumpsters and loading areas shall be placed to the rear or side of buildings in visually unobtrusive locations and shall not impede on-site vehicular and pedestrian circulation. On waterfront locations the service and loading facilities shall not be located on the water side of the structure and shall be placed in a manner to minimize and screen such uses from public view. Service areas and loading areas shall be screened through landscaping or structural elements to prevent direct views from adjacent properties or from public or private streets used by the general public. Mechanical equipment and dumpsters should be screened through walled units or integrated into architectural features of the buildings.
- (22) The East Providence Waterfront special development district commission shall require schematic architectural drawings of the exteriors of all proposed new buildings to be submitted as part of review process. The commission shall review these drawings for conformity with the design guidelines set forth herein. The commission may permit specific written or graphic architectural standards or codes for building appearance and design to be submitted by the applicant for review and approval.
- (c) Open space and public areas.
- (1) Site design and layout in the waterfront district should incorporate elements such as plazas and usable open spaces, especially adjacent to buildings next to the waterfront or in mixed-use and retail areas. To ensure that open space is well-used, the space should be visible, easily accessible and barrier free, with multiple points of entry from public areas (streets, sidewalks, and walkways or bike paths). Open spaces should be oriented to maximize exposure to the water and scenic

views. East-west streets should be designed as boulevards with landscaped medians and wide corridor views towards the water. Community entries should be identified by maintaining them as large open spaces within the streetscape.

- (2) Public greens and common areas should be provided within residential areas to provide useable open space and park like settings within a neighborhood context.
- (3) Open space areas should be well buffered from moving vehicles so that users can enjoy and relax in the space. The space may be visible from streets or internal drives but should not be wholly exposed to them. "Outdoor rooms" that are partially enclosed with building walls, freestanding walls, landscaping, raised planters, or on-street parking buffers are encouraged.
- (4) Public spaces should abut active uses to encourage pedestrian traffic between such uses. Public use of the waterfront, such as through passenger ferry, marinas, retail activities, cafes and restaurants, and recreational uses, should all provide context for open space.
- (5) Plants used in landscaped areas should be native species and of the highest quality and of sufficient quantity and sale to make a visual impact. Plantings should be selected and located so that their functional and aesthetic qualities can be maximized. Public open space should provide shade areas wherever possible.
- (6) Open space areas should provide adequate amenities for comfort and convenience, such as seating, lighting, directional signage, bicycle racks, drinking fountains, shelters, trash receptacles and public restrooms.
- (7) Open spaces and plazas should be built with high quality, durable materials that reflect detailing consistent and compatible with the architectural character of nearby buildings and the waterfront location. Paving materials should be selected according to the intended use of the space.

Designers are encouraged to utilize permeable paving materials wherever practicable to reduce stormwater runoff.

- (8) Open spaces within private developments should contribute to public spaces with linkages that reinforce the pedestrian environment. Private developments should take the "indoors" outdoors by incorporating interior space (e.g. dining areas, merchandise displays) onto walkways and plazas connected to the public sidewalk system. Similarly, developments should bring the "outdoors" into the building by opening interior spaces through elements such as atriums connected to the public sidewalk system.
- (9) Sites of historic interest or sites providing an opportunity and context for historical interpretation along the waterfront should be incorporated into open space areas and appropriately commemorated and marked with interpretative signage. The state historical preservation commission or other appropriate agency should assist in developing an appropriate context for commemoration initiatives.
- (10) Development in the waterfront district should integrate artwork into public and private settings. Artwork may consist of freestanding pieces (e.g. sculptures or water fountains) or may be integrated with its surroundings (e.g. relief sculpture imbedded into the pavement or a wall, mosaics or murals, sound effects, decorative railings or lighting) to create a stronger sense of place. Artwork should be appropriate, and ideally, custom-made and should complement and reinforce the character of the site in terms of subject, scale, style, and materials. Art may be used to reveal historical facts about the site, or draw attention to a unique physical quality of the site. Public spaces should be designed to accommodate live performing arts and public gatherings.
- (11) For higher density non-residential uses in the waterfront district that abut lower density residential properties, a mini-



imum 100-foot open space setback is required. Landscaping in this open space setback shall include planting elements to ensure an effective visual and audio screen and buffer between residential and non-residential uses.

- (12) Street-trees should be provided along all pedestrian corridors along with the planting of ground cover. The street tree canopy should appear tight, formal and planted in clusters at entry nodes and plazas. Ground cover planting materials should be natural and soft, and remain low, well below sight lines of pedestrians. Tree and shrub plantings shall be selected as suitable for their use in the interest of creating an aesthetically pleasing environment.
- (d) Waterfront resources.
- (1) Properties adjacent to the waterfront shall maintain an appropriate contiguous area, to the maximum extent possible, to include setbacks for public waterfront access and buffer zones for maintenance and preservation of natural areas. The buffer zone is to preserve the value and utility of the water's edge, including enhanced measures to protect and restore natural habitat areas and environmental resources. The Rhode Island Coastal Resources Management Program should be referred to for its specific findings, policies, guidelines and regulations for projects within the coastal zone requiring an assent. Early consultation with CRMC program staff is strongly encouraged to identify coastal features and address setback, hazard mitigation, shoreline protection, storm water run-off and other requirements. Public access to and along the waterfront and recreational amenities shall be provided within the contiguous area, including connections and coordination with adjacent properties as part of an integrated public waterfront facility.
- (2) Public access to and along the water's edge shall be provided in the most generous and integrated way that is compatible with the function of the land, water uses and activities. Interest in water for active and passive purposes is widespread and should be accommodated to the maximum extent feasible. Public access in the coastal zone, both vertical and perpendicular, must conform with state policies and regulations, including the Rhode Island Coastal Resources Management Program.
- (3) Recreation and excursion access to and along the waterfront are desirable and should be fully integrated into the site design. Waterfront facilities should be oriented towards providing multi-modal transportation opportunities for boating, pedestrians, bicyclists, and public bus or ferry users, and accommodations made for such transportation needs. Comfort and convenience amenities such as bike racks, benches, trash receptacles, shelters, ticket kiosks and restroom facilities should be provided.
- (4) Design details for such features as lighting, paving, bollards, benches, or other amenities should be carefully selected to reflect the waterfront heritage of the area. Such features should be coordinated as much as possible between public and private improvements. For waterfront locations, the quality and durability of these amenities should be of the highest standards, and of timeless aesthetic character to withstand many years of use and exposure to weather.
- (5) Only low-scale commercial or public buildings shall be located near the water's edge, except for in designated areas in the sub-districts as determined by the commission. Views to the water should be preserved from critical public vantage points. Massing and placement of buildings should be designed to minimize impacts on water views and retain value for upland development potential.
- (6) Parking shall not be located directly on the water's edge.

- (e) Parking and circulation standards.
- (1) Structured parking within the waterfront development district is encouraged where feasible, either beneath or within commercial and higher density residential buildings, in order to maximize the use of valuable land for principal uses and to reduce the appearance of excessive amounts of surface parking within the district.
  - (2) Parking structures should be compatible with adjacent uses and architecture. Parking uses and the appearance of parking structures should not dominate public streetscapes. The design of all above-grade parking structures should include usable retail, commercial, and/or residential uses as appropriate to their location along first floor and street frontages.
  - (3) Surface parking lots shall be located to the side or rear of buildings or in the interior of a block, except for waterfront lots, in which case the parking shall not be located on the water-side of such buildings. Parking lots and driveways should not dominate the frontage of streets, interrupt pedestrian routes, or negatively impact the environment or surrounding developments. Parking lots should be sufficiently screened with natural landscape, decorative fencing or walls to minimize visual impacts.
  - (4) Surface parking areas should be designed to include internal landscaped islands and exterior landscaped buffer areas to soften the visual impacts of automobiles and asphalt. Shade tree location should buffer pedestrian circulation routes and should respect view corridors to the water. All parking lots should be planted with sufficient trees so that at full growth a significant majority of the surface area of the lot is shaded. At a minimum, developments should comply with the development plan review provisions of chapter 19, zoning, article VIII, section 19-454.
  - (5) On-site pedestrian circulation networks should be designed to provide safe access through the site, especially between buildings and parking areas. Paving and ground surface treatments should reinforce and define pedestrian circulation direction and patterns. Materials may be simple, but should have a level of patterning and detail through change in materials, color or scoring patterns.
  - (6) Stormwater management facilities shall be provided in conjunction with parking areas for flood control purposes and to treat stormwater to effectuate pollutant removal in accordance with city and state standards and regulations. Permeable paving materials, vegetated buffers and infiltration systems should be used wherever possible and practical to reduce the volume and improve the quality of stormwater.
  - (7) Pedestrian lighting should be incorporated into the design of parking areas and along pedestrian walkways. Additional lighting should be used to reinforce architectural edges as well as highlight special site elements. Nighttime illumination should provide for safety and security of residents and visitors. Lighting for parking and vehicle queuing areas should provide adequate illumination for vehicle and pedestrian safety and security while shielding surrounding areas from excessive light trespass and glare.
  - (8) Parking areas shall include provisions for the "parking" of bicycles in locations that are safely segregated from automobile traffic and parking.
  - (9) Shared access driveways and parking areas should be encouraged where ever possible for mixed use developments and/or

adjacent uses which have different hours, days and/or seasons of peak parking demand.

- (10) Design of internal parking and roadways should be looped rather than dead ended to allow for efficient circulation and movement through the waterfront district and shared parking areas.
  - (11) Design of parking lots should include measures to reduce the number of curb-cuts along roadways. Properties should be limited to one curb-cut per parking area, or at least be located a minimum of 100 feet from curb-cuts either on site or on adjacent properties. Where feasible, access and parking lot entryways to abutting properties across roadways should be aligned to create direct intersections, providing efficiency and safety for vehicles entering and exiting the sites.
  - (12) Roadways and internal vehicle circulation corridors should be designed to accommodate the type and volume of vehicles that are expected to enter during the peak design period, with minimal impacts to levels of service on- and off-site.
  - (13) Parking and garages for all residential uses shall be prohibited in front yard setback areas. Garages facing a front yard property line shall not be located closer to the front lot line than the foremost facade of the principle building facing the front property line.
  - (14) On-street parking may be permitted by the East Providence Waterfront special development district commission, and may be added to the number of off-street spaces for the purpose of calculating minimum parking requirements.
- (f) Streetscape standards.
- (1) New streets, as well as existing streets that are rehabilitated or reconstructed, should be designed to accommodate expected vehicles and pedestrians safely while encouraging appropriate speeds.
  - (2) Street placement and design should provide for views to and from the water.

Streets that connect to the waterfront shall be designed and developed to pedestrian-scale with a high-level of amenities. Distinctive architectural and landscape features should be encouraged at intersections to enliven the space, including permanent installations of landscaped gateways, public art and/or flag displays in key locations. Where possible, gateway access to the waterfront, and east-west oriented streets, shall be wide boulevard-type roadways with divided travel lanes and landscaped medians. Additionally, for certain streets, unique destination and gateway treatments should be implemented. Community name and directional signs should be placed at gateways and should be compatible with the architectural themes and character of the neighborhood.

- (3) Sidewalks shall be provided on both sides of all roadways, with curbing, grassed landscape strips between the sidewalk and the curb, street trees and other plantings to soften roadway edges. Sidewalks should be wide enough to accommodate pedestrians comfortably and safely. Textured paving within the street should be utilized to distinguish crosswalks. The pedestrian environment should be further enhanced through the use of fixed street furniture, compatible and consistent lighting, trash receptacles, and shade trees.
- (g) Street and site furnishings.
- (1) Consistency in the form and quality of street and site furniture is essential to the ambiance of the public areas. A standard design shall be used in public areas throughout the waterfront district, with recommended types and styles provided by the design review committee. Variations and additions should be considered for unique situations along waterfront areas. It is also essential that a program of regular care and maintenance be provided.
  - (2) Furnishings within individual development sites shall be chosen to complement

the specific architectural and site design. Inclusion of furnishings to enrich the setting and provide amenities is strongly encouraged.

- (3) Furnishings such as flagpoles, kiosks and public art should be considered and selected in part based on their compatibility with other furnishings and the building architecture. In general, furnishings should be understated and should not detract from the overall character of the site either through their appearance, siting or proliferation. The materials used for receptacles, seating and light poles should be consistent within the development site.
- (4) The provision of benches is encouraged within development sites. In addition to free standing benches, options for integral seating such as broad steps and cheek walls should be considered in the design of open spaces and building entries. Benches shall be located based on a practical consideration of where people would like to sit and the demand for seating in a particular area. Areas closely associated with employees going outdoors for lunch or break time and areas where drop-off and pick-ups, such as building entries, should be considered for locating seating.
- (5) Seating along sidewalks or trails shall be placed on a hard surface and immediately adjacent to the walkway to allow for free circulation on the sidewalk or trail. Along the walkway, the layout should have a perceivable order, such as placing benches or other furnishings along the same side or in a consistent manner. Clustering or paring benches is recommended as a means of offering seating for groups and creating a rhythm of furnishings.
- (6) Benches shall be placed on a hard surface and surface mounted.
- (7) Trash receptacles shall be of the designated design and will be used along the public sidewalks and trail system. Site developers will be responsible for providing receptacles in public areas. Trash and ash receptacles within the building zone

should be chosen to complement the architectural and site design of a particular development.

The receptacles should be durable and in keeping with the other materials selected for the site including lighting and benches. Plastic, aggregate surfaced concrete and fiberglass receptacles are not permitted. Removable trash liners are recommended for easy disposal. If refuse is to be sorted for recycling, receptacles with three-holed recycling tops are recommended. The divided recycling top allows the number of receptacles to be kept to a minimum.

Trash receptacles shall be sited along heavily trafficked walks, in close proximity to building entries, and in areas where people gather for eating or break time. Ash receptacles shall be placed to minimize cigarette litter, for example, near building entries and designated smoking areas. Receptacles shall be conveniently located for use, but shall not impede circulation or interrupt the view of the building entry. Receptacles shall be surface-mounted to maintain their designated locations.

- (8) Daily newspapers and printed materials, such as free real estate and employment guides, shall be incorporated into a unified newspaper kiosk placed in or adjacent to the right-of-way provided by the city and/or private developers in convenient locations. Separate boxes for all these various printed materials, typically found chained to utility poles and traffic signs shall be prohibited.
- (9) Inclusion and placement of mailboxes, overnight delivery and newspaper boxes shall be considered as part of the overall site design. For all commercial and office buildings, these amenities shall be incorporated within the building, and shall not exist outside of the building in any location other than one specifically designated for such service areas. For other building types, such as hotel and retail uses, the boxes shall be located for the

convenience of the building users and mail delivery systems used within the development. Boxes shall be accessible to pedestrians and relatively convenient to vehicles associated with their use. Their placement must not impede circulation or interrupt the view toward the building entry. In all cases boxes shall be grouped together in an area that is visible but unobtrusive. All boxes must be located on a hard surface and be surface mounted.

(10) Lighting standards.

- a. The character and brightness of exterior lighting on different development sites shall remain relatively constant. This consistency is important in establishing the overall visual quality of the night time environment of the waterfront district and providing a sense of security. Lighting shall illuminate driveways, sidewalks and bikepaths, define outdoor spaces at night, and provide orientation to building entries.
- b. Lighting shall be organized in simple patterns which are sympathetic to the spatial form of the site design. The pattern of light fixtures and poles shall reinforce the pattern of drives, walks and open space. Lighting of open spaces shall be along the perimeter to emphasize the form of the space.
- c. In general, roadways and site drives shall be lit from both sides. Exceptions to this standard may include instances where the drive forms one edge of a large contiguous space, for example, where an entry drive may encircle an entry court landscape. When placed on both sides, lights shall be located opposite one another rather than in an alternating or staggered pattern. Driveway and walkway lighting shall be placed parallel to the pavement edge with a recommended uniform setback of two to six feet. Lighting shall be located in rhythm with related tree plantings.
- d. The use of a consistent light source, a family of fixtures and poles, and a hierarchy of lighting levels shall unify development parcels and connect the various waterfront sub-districts with each other. A designated family of fixtures shall be used along public roadways, site driveways, public sidewalks and bikeways, and parking lots in order to reinforce a unified image.
- e. Within parking lots a pole height of 25 feet is required. The pole height has been established to balance a desire to maintain a mounting height compatible with the scale of adjacent buildings and trees and to minimize the number of poles. Exceptions to this requirement may be considered on an individual basis.
- f. Poles should be located behind raised curbs either within a raised median or along curbed sidewalks. Poles within paved areas (not behind a raised curb) are strongly discouraged.
- g. All fixtures shall employ shielding and glare control devices to make the night time environment more pedestrian friendly, and to direct light downward rather than upward. Lights intended to provide a lantern effect, such as might be used to define the edge of an entry drive, shall utilize a shielding device that allows the fixture to be lit while continuing to minimize light loss to the sky.
- h. Driver and pedestrian orientation shall be provided through a hierarchy of lighting effects that correspond to different zones and uses within development sites. Height of poles shall be scaled according to function, for example, poles along driveways shall be 20—25 feet, and in pedestrian areas lighting shall be 10—15 feet. Driveway and pedestrian lights may be used along circulation drives and sidewalks within

parking lots to clarify movement and provide a hierarchy of lighting associated with use.

- i. The housing for uplighting and architectural lighting placed in the landscape shall not be conspicuously visible. Flush ground mounted fixtures are recommended, where practical. In situations where this is not practical, lighting sources and mounting fixtures shall be located to minimize visibility by day and by night.
  - j. An increased sense of security shall be provided by using light to define the edges of the space, such as the outer edge of open spaces, parking lots and driveway corridors. Brighter lights shall be provided at the destination edge, such as the building entry. The lowest levels of light should appear within the parking lot and not at its edges.
  - k. Intersections, decision points, crossings, steps, arrival points, etc. should be articulated in a manner that signals their presence, shape and nature. The illumination pattern should provide visual clues as to what conditions may lie ahead.
  - l. The relationship between plant material and lighting shall be considered when determining the spacing, height and distribution pattern of lighting. Lighting design shall avoid foliage shadows and provide good uniformity and vertical surface illumination.
- (h) Landscaping.
- (1) Landscaping shall be used as a unifying design element and a cost-effective long-term aesthetic and environmental enhancement for public and private spaces. Primary landscape treatment shall consist of three tiers, ground cover, shrubs, and trees, and shall be combined with appropriate walks and street surfaces to provide an attractive development pattern. Landscaping can be in the form of planting beds, raised planters, berms, containers or window boxes. Landscape materials selected should be appropriate to the local growing conditions.
  - (2) Streets and parking lots shall be planted with deciduous trees that will over time bring the canopy together, provide shade and visual relief from automobile clutter. Guard plane plantings should be selected for hardiness, maintenance requirements, and water consumption.
  - (3) Loading and receiving areas, and trash storage areas shall be screened from the public view by landscaping treatment and by appropriate screening. Plantings and walls may be used to screen outdoor areas from wind and unsightly views.
  - (4) Specimen trees shall be used as accents and focal points in locations such as community and neighborhood entries. Colorful flowering shrubs, groundcovers and annual flower plantings should also be used to accent entries.
  - (5) Planting of ground surface materials should remain low, well below sight lines of pedestrians. The tree canopy should appear tight, formal and planted in clusters at entry nodes and plazas. Natural soft planting should be used in public areas adjacent to the waterfront.
  - (6) Plant materials along the river should be native species or improved horticultural varieties of the same.
  - (7) All plantings should be irrigated using latent drip technologies to maximize efficiency and preservation of resources. A strong landscape maintenance program by a licensed professional shall be required of any development program.
- (i) Signage standards.
- (1) Signage and graphics within the waterfront district will introduce visitors and motorists to the area, direct them, and provide a means for orientation and wayfinding. Use of high quality graphics is essential to the overall visual experience. Informational and directional signs

- should serve as gateway elements and complement the landscape and architectural style of the overall development. Signs should be simple in form and color, and be clearly legible.
- (2) Mixed-use buildings shall provide locations on the commercial areas of the building facade that are specifically designed to accommodate changeable tenant signage including wall signs, projecting signs and window signs. Structure, materials, detailing and power sources shall be designed with consideration of signage installation requirements and shall be readily adaptable and repairable as tenant sign needs change.
  - (3) Sign locations shall be oriented to the public right-of-way and shall avoid facing residential uses wherever possible.
  - (4) Direct exposure of light sources and internally illuminated signage shall be avoided in residential areas. Indirect and external light sources shall be the preferred option where lighting is required. Orientation of any illuminated sign or light source shall be directed to avoid visibility, spill light or glare into residential uses.
  - (5) Small scale signs projecting from the building face, perpendicular to the right-of-way, shall be considered appropriate in pedestrian oriented contexts. Tenant identification signs may also be incorporated into canopies above primary building entrances or storefronts.
  - (6) Signs should be traditional in design and easy to read, with proportion and balance in mind. Signs with dark background and light letters provide better visibility. Letterform, logos and artwork should look comfortable within the sign perimeter. Long, narrow and odd shaped signs should be avoided, as they tend to distract the balance ratio.
  - (7) Signs should creatively use two and three dimensional form, profile and iconographic representation: lighting, typography, color and materials in expressing the character of the use, the identity of the development, the character of the neighborhood, and the architecture of the building are encouraged.
  - (8) Signage shall be limited to one business identification per frontage and shall include only tenant identification text and logos. Product advertisement on signage or in display windows is prohibited.
  - (9) Pole signs and monuments are not permitted in the waterfront district. Signage for multiple uses in a single building or complex should be incorporated into decorative wall signs mounted onto the building or incorporated into decorative screening elements or walls to screen parking areas.
  - (10) Signs should fit within the architectural features of the facade and complement the buildings architecture. Signs should not overlap and conceal architectural elements.
  - (11) Support structures, hangers and brackets should be proportional to the sign face and remain dark in color as not to compete with the sign itself.
- (j) Fencing.
- (1) In instances where security and safety relating to certain land uses and activities require fencing, such fencing should be no higher or more extensive than needed to provide general safety or security needs and it shall be constructed of ornamental materials or some other appropriate material.
  - (2) For properties along the waterfront, fencing shall not be used to deter public access to and along the waterfront or to inhibit migration of wildlife between natural areas.
- (k) Utilities.
- (1) On-site utilities shall be located underground unless otherwise recommended by the utility company. At a minimum, the utilities feeding the site shall be placed underground in the access right-of-way.

The East Providence Waterfront special development district commission may waive, upon good cause shown at the public hearing, a portion of or this entire requirement.

- (2) Service areas and mechanical equipment should be screened through walled units or integrated into architectural features of the buildings.

(Ch. 317, § I, 3-2-04)

#### Sec. 19-484. Nonconformances.

Within the waterfront districts established herein, or by amendments which may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this article was passed or amended, but which would be prohibited, regulated or restricted under the terms of this article or future amendments. It is the intent of this article to permit these non-conformities to continue until they are removed, but not to encourage their survival. Nonconforming uses are declared by this article to be incompatible with permitted uses in the districts involved. It is further the intent of this article that nonconformities shall not be enlarged, expanded or extended, reconstructed, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- (1) All work performed on a nonconforming structure shall be pursuant to a building permit, meet all the requirements of this article and all city codes, and conform to any other health or safety regulations of laws imposed by local, county, state, regional or federal agencies in effect at the time of the work and shall not expand any nonconformity.
- (2) Ordinary maintenance and minor repair of nonconforming structures is permitted if the aggregate cost of the work done in any period of 12 consecutive months does not exceed 25 percent of the replacement value of the structure, as determined by the building inspector and if the size of the structure or the number of building units is not increased.

- (3) A damaged nonconforming structure, restoration of which will cost 50 percent or less of its full replacement cost immediately prior to such damage, as determined by the building inspector, may be restored to its previous nonconforming state but must otherwise comply with all provisions of this article. A damaged nonconforming structure, restoration of which costs more than 50 percent of its full replacement cost, shall not be restored.
- (4) Repairs and alterations may be made to nonconforming residential structures, including multi-family structures, without replacement cost limitations, if located in a district permitting residential dwellings and if the requirements of subsection (1) above are met, including the limitation therein that the repairs and alterations shall not expand the nonconformity. New construction on property with a nonconforming residential structure shall comply with the current applicable standards of this article.
- (5) Repairs, interior modifications, and alterations to nonconforming nonresidential structures may be made only if none of the structural alterations prolong the life of the supporting members of the structure, including without limitation bearing walls, columns, beams or girders. Structural elements may be modified or repaired only if the building inspector determines that such modification or repair is immediately necessary to protect the public health, safety and welfare of occupants of the nonconforming structures or adjacent property, and the cost of all repairs or alterations does not exceed 50 percent of the replacement cost of the nonconforming structure immediately before such repairs or alterations, as determined by the building inspector. New construction on property with a nonconforming nonresidential structure shall comply with the current applicable standards of this article. No expansion, intensification, or modification of a nonconforming nonresidential structure shall be permitted with-



out the permission of the executive director and/or commission, as appropriate. Modifications may be made to a nonconforming nonresidential use for the addition of new employees, provided that alterations are limited to the interior of the structure and are in compliance with subsection 19-477, and that sufficient parking can be provided on the site and in compliance with the parking and circulation standards contained herein. Such modifications shall be reviewed by the executive director through a preapplication consultation prior to issuance of any permits, and may be subject to review by the commission in accordance with section 19-477.

- (6) If the use of a nonconforming structure is discontinued, the structure shall lose its nonconforming structure status, and shall be removed or altered to conform to the provisions of this article. Such removal or alteration to conform to the provisions of this article shall occur within 12 months of the date that loss of nonconforming structure status is determined or within such other date that the commission decides pursuant to public hearing outlined in section 19-477. Failure to remove or alter the structure beyond that period without written approval of the executive director on behalf of the commission due to unusual circumstances constitutes a violation of this article and a public nuisance. A use of a nonconforming structure shall be considered abandoned or discontinued whenever any of the following apply:
- a. The use of a nonconforming structure is discontinued for a period of six or more calendar months.
  - b. The actual removal of characteristic furnishings, equipment, structures, machinery, or other components of the use occurs during the 12 month period.
  - c. No business receipts or records are available for the 12 month period.
  - d. Utility bills indicate that no use has occurred during the 12-month period.
- (7) The change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, but only if the use, extent, and intensity of use does not change.
- (8) A nonconforming residential use in a nonconforming residential structure may continue to be used as a residence until such time as the building is amortized, condemned, removed, converted to a conforming use, or destroyed such that restoration would cost more than 50 percent of its full replacement value before it was damaged.
- (9) If a nonconforming use is discontinued for a period of six or more calendar months, the use shall lose its nonconforming status, and all rights to reestablish or continue the nonconforming use shall terminate regardless of any reservation of an intent not to abandon or of an intent to resume active operations. Abandonment or discontinuance of use shall be deemed to have occurred whenever any of the following apply:
- a. The nonconforming use is discontinued to a period of six or more consecutive calendar months.
  - b. A nonconforming use is replaced by a conforming use.
  - c. The actual removal of characteristic furnishings, equipment, structures, machinery, or other components of the use occurs during the six-month period.
  - d. No business receipts or records are available for the six-month period.
  - e. Utility bills indicate that no use has occurred during the six-month period.
- (10) Replacement of a nonconforming use with another nonconforming use is prohibited.

- (11) Expansion or intensification of a nonconforming use is prohibited without the permission of the executive director and/or the commission, as appropriate. Modifications may be made to a nonconforming nonresidential use for the addition of new employees, provided that alterations are limited to the interior of the structure and are in compliance with subsection 19-477, and that sufficient parking can be provided on the site and in compliance with the parking and circulation standards contained herein. Such modifications shall be reviewed by the executive director through a preapplication consultation prior to issuance of any permits, and may be subject to review by the commission in accordance with section 19-477.
- (12) When any nonconforming structure or use is no longer permitted pursuant to the provisions of this article (loss of nonconforming status, or at the end of an amortization period (as outlined below) determined by the commission), no building permit or certificate of occupancy shall thereafter be issued for further continuance, alteration or expansion of the use or structure. Any building permit or certificate of occupancy issued in error shall not be construed as allowing the continuation of the structure or use.
- (13) The commission may adopt amortization schedules for nonconforming structures, uses of land and structures, and characteristics of use within the waterfront district, pursuant to the procedures outlined for public hearings as provided in section 19-477. At the public hearing, the commission shall hear a report by the executive director on the issue and shall determine if the use or structure should be amortized and over what period. The nonconforming structure or use shall be discontinued within the amortization period determined by the commission. In determining a reasonable amortization period

for a nonconforming use or structure, the commission shall consider the following factors:

- a. The amount of original investment in or original cost of the structure or use.
- b. The present actual or depreciated value of the structure or use.
- c. The remaining time period, if any, to amortize the costs of the structure or facilities associated with the use under the provisions of the Internal Revenue Code.
- d. The salvage value of the structure or facilities associated with the use.
- e. The remaining useful life of the structure or facilities associated with the use.
- f. The remaining term of any lease for the property on which the structure or use is located.
- g. The harm to the public that will result if the structure or use remains beyond the time period recommended by the executive director for amortizing the structure or use.

The executive director shall provide estimates of all costs and valuations required by this section. The owner or operator of a nonconforming structure or use shall have the burden of proving that the amortization period recommended by the executive director is unreasonable.

(Ch. 317, § I, 3-2-04)

**Sec. 19-485. Affordable/inclusionary housing.**

Developers of new market rate single-and/or multi-family housing developments within the waterfront district are required to provide affordable housing units for low- and moderate-income households in order to ensure safe, decent and affordable housing to families, elderly and people with special needs.

- (1) The provisions of this article shall apply to all new residential development or property conversions resulting in five or more

parcels or new dwelling units intended and designed for permanent occupancy which receives subdivision, conditional use or design review committee approval after the effective date of this article.

- (2) In projects of five or more dwelling units, a ten percent minimum inclusionary requirement shall apply for low- to moderate-income households. If, in the applications of the requirements of this article, a decimal fraction unit requirement is obtained, an in-lieu fee shall be provided equal to the applicable decimal fraction cost of a full housing unit.
- (3) Before issuance of any building permit, the applicant may request that the commission allow the applicant to make a payment of an in-lieu fee for constructing affordable housing units. The commission shall consider the following issues, among others, in making this determination: the reasons the applicant desires to pay the in-lieu fee; the types of housing proposed for the development; the difference in price between the affordable units and the market priced units; and the public benefit that would be obtained by not building the units on-site. The applicant shall pay for the number of affordable dwelling units, or partial units that subsection (2) above would otherwise require, according to the following fee schedule.
  - a. Fifty percent of any fee required pursuant to this section shall be paid prior to the issuance of a building permit for the project. The remaining 50 percent shall be paid in full before a certificate of occupancy is issued for any unit in the housing project.
  - b. Any fee required by this section shall be secured by execution of an irrevocable letter of credit in favor of the commission or other security acceptable by the commission for the total amount of the obligation. The letter of credit or other acceptable security shall be delivered to the commission prior to the issuance of a building permit for the housing development. The letter of credit or other security shall be released and returned to the applicant immediately upon final payment of said fees.
- (4) The commission shall promulgate rules and regulations regarding calculation of the housing in-lieu fee, said fee to be commensurate with the value that would have been provided through the actual construction of the affordable units. The housing in-lieu fee shall be reviewed by the commission every three years. The commission shall use money received under this subsection only for the construction and promotion of affordable housing.
  - a. Fifty percent of any fee required pursuant to this section shall be paid prior to the issuance of a building permit for the project. The remaining 50 percent shall be paid in full before a certificate of occupancy is issued for any unit in the housing project.
  - b. Any fee required by this section shall be secured by execution of an irrevocable letter of credit in favor of the commission or other security acceptable by the commission for the total amount of the obligation. The letter of credit or other acceptable security shall be delivered to the commission prior to the issuance of a building permit for the housing development. The letter of credit or other security shall be released and returned to the applicant immediately upon final payment of said fees.
- (5) Construction of inclusionary units shall be provided at the same time as other units within the development, with ten percent of the units in each phase of the residential development dedicated at the time building permits are issued, and identified as such on the site plan or development plan and final subdivision plat, as applicable. The completion of inclusionary units in a project shall be comparative to the completion of the market-rate units.
- (6) Inclusionary units must be distributed throughout the development.
- (7) The inclusionary units shall be substantially the same as the market rate units or buildings in exterior materials and finish. The developer may reduce either the size or provide less expensive interior amenities for the inclusionary units as long as there are not significant differences visible from the exterior of the units and the size, fixtures and design of the units are reasonably consistent with the market rate units in the project, provided all units conform to the requirements of local building codes in effect at the time.
- (8) Only qualified households shall be eligible to occupy or own and occupy the inclusionary units. Developers may utilize an entity such as a non-profit housing

corporation or a public housing authority to obtain qualified applicants. Developers shall select only qualified households to occupy or own and occupy inclusionary units. Immediate relatives of developers, by virtue of their position or relationship, are ineligible to occupy inclusionary units.

- (9) The executive director shall promulgate rules and regulations governing the affordable housing programs, including the eligibility for purchasers and renters of affordable housing units. Those rules and regulations shall govern household size, household makeup, and household income, and shall be consistent with The U.S. Department of Housing and Urban Development's Program Income Eligibility Determination Guidelines. Sales prices for affordable units will be determined based on these same references. The income limits, sales prices, and rental rates will be determined based on these same references. The income limits, sales prices, and rental rates shall be updated annually as soon as HUD releases the median income updates and shall be made available to the public immediately thereafter by inclusion in the city's affordable housing program guidelines and information and through the city's CDBG office, planning and building inspection departments.
- (10) When inclusionary units are required, a deed restriction shall be recorded setting forth the applicable restrictions in this chapter. The minimum period of affordability for inclusionary units are as follows:
- a. Projects receiving public subsidies shall maintain affordability for a period of not less than 40 years or a different period when required by city or state law. A program to assure continued affordability for these units shall be administered by the commission or by a non-profit housing agency approved by the commission.
  - b. Inclusionary units which are built without public subsidies shall be re-

quired to maintain affordability for a period of 40 years or for a different period when required by city or state law. A program to assure continued affordability for these units shall be administered by the commission or by a non-profit housing agency approved by the commission. The applicant shall enter into an agreement with the commission or its designee to provide monitoring and to assure the affordability of the inclusionary units for a period of not less than 40 years from the effective date of occupancy. The executive director shall be authorized to enter into such an agreement on behalf of the city. The approved agreement shall be recorded with the city clerk prior to the issuance of a building permit for the project.

1. All buyers of "for sale" inclusionary units shall enter into a Resale Agreement with the commission or its designee prior to the close of escrow for such inclusionary unit (a standard form option agreement instrument shall be reviewed and approved by the commission). The resale agreement shall specify the required affordability term, shall provide for an option for the commission or its designee to designate an eligible purchaser and shall provide the commission or its designee with first right of refusal to purchase the units, and shall provide for a calculation of future equity assignment upon sale of the unit. Such agreement shall be recorded against each lot or unit.
2. Conversion of an inclusionary rental unit to a "for sale" unit, if otherwise permitted, shall not void any provisions of applicable inclusionary housing agreements or requirements.

- (11) Each owner of any rental inclusionary units shall submit an annual report to the commission by January 31 for the previous calendar year, identifying monthly rental rates, vacancy status of each inclusionary unit, income status for residents and any other related data deemed necessary by the commission while ensuring privacy for all residents. The deed restriction for ownership units shall require conformance reporting upon sale of ownership of inclusionary units.
- (Ch. 317. § I, 3-2-04)