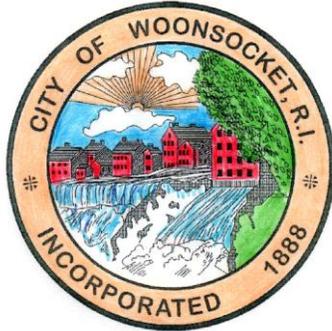


# City of Woonsocket Rhode Island



A.D. February 2, 2015

## Ordinance Chapter

### AMENDING THE CODE OF ORDINANCES CITY OF WOONSOCKET, RHODE ISLAND APPENDIX C – ZONING TO CREATE A DOWNTOWN OVERLAY DISTRICT

**WHEREAS,** Rhode Island General Laws 45-24-51 Adoption—Procedure for Adoption or Amendment and Section 17 Procedures for Adoption Amendment and Repeal of the Zoning Ordinance of the City of Woonsocket, Rhode

Island, empowers and authorizes the City Council of the City of Woonsocket, Rhode Island, to provide procedures for the adoption, amendment and repeal of the zoning ordinance and/or sections thereof; and,

**WHEREAS,** The City Council desires to support growth and concentration of art, cultural and entertainment attractions in the Main Street area; and

**WHEREAS,** A Downtown Overlay District is established to confer additional options for development and land use in the Main Street area; and

**WHEREAS,** The Downtown Overlay District will encourage a walkable, vibrant environment and allow additional permitted uses that will promote the use of vacant and underutilized properties.

**IT IS ORDAINED BY THE  
CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS  
FOLLOWS:**

**SECTION 1. Statement of Purpose:**

To amend the Code of Ordinances of the City of Woonsocket, Rhode Island, entitled Appendix C – Zoning to create a Downtown Overlay District to encourage art, culture and entertainment in the Main Street area that will generate a lively milieu.

**SECTION 2. Amendment:**

Section 2.1-6 Overlay Districts of the Woonsocket Zoning Ordinance is hereby amended by adding 2.1.6.5. Downtown Overlay District. Established to regulate the development and use of land, buildings, improvements and facilities in the Main Street area; allow additional permitted uses that encourage further growth and concentration of art, cultural and entertainment attractions; promote the use of vacant and underutilized properties; and encourage a walkable vibrant environment” and “2.1.6.6.1 Overlay District Boundaries. The Woonsocket Downtown Overlay District includes the following assessor’s lots and/or and modifications, combinations or divisions of those lots which may transpire in the future:

Assessor’s Plat 13; lots 68, 69, 70, 71, 72, 73, 74, 94, 95, 96, 97, 98, 99, 100, 102, 104, 171, 172, 191, 268, 289 & 295.

Assessor’s Plat 14; lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 25, 26, 27, 43, 44, 45, 46, 47, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 154, 155, 156, 157, 158, 160, 161, 163, 165, 169, 171, 172, 174, 175, 176, 177. 178, 180, 184, 185, 186, 196, 206, 207, 208, 211, 212, 213, 214, 215, 216, 217, 218, 220, 221, 223, 224, 225, 227, 228, 229, 230, 250, 253, 259, 261, 265, 266, 269, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 284, 286, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 308, 309, 316, 321, 326, 329, 330, 331, 335, 341, 342, 343, 353, 354, 355, 362, 363, 366, 367, 368, 369, 370, 371, 372, 375, 376, 377, 380, 382, 383, 387, 388, 390, 392, 394, 395, 397, 398, 400, 401, 402, 403, 404, 405, 406, 407, 412, 413, 414, 415, 416, 418, 420, 421, 422, 423, 425, 427, 428, 430, 432.

Assessor’s Plat 15, lots 13, 15, 16, 61, 201, 216, 221, 222, 224, 231, 235 & 236.

Section 4.3 Overlay Restrictions of the Woonsocket Zoning Ordinance is hereby amended by adding "or additions" after the word "restrictions" to read "Where a property is located within one (1) or more overlay zones, additional use restrictions or additions may apply."

Section 5.1-4 Exception for Main Street Area and Downtown Overlay District of the Woonsocket Zoning Ordinance is hereby amended by adding the words "and Downtown Overlay District" in two places to read "Exception for Main Street Area and Downtown Overlay District. Notwith-standing the above, off-street parking shall not be required for nonresidential establishments located within the C-1 Urban Commercial District and the MU-2 Mixed Use Industrial/Commercial District in the Downtown Overlay District, nor for nonresidential establishments located with the Social Renewal Area, which is bounded by Pond Street to the east, Social Street to the north, Clinton Street to the south, and the intersection of Social Street and Clinton Street to the west, and including Lot 22, on Plat 27, and Lot 10, on Plat 36.

In addition, the following paragraph will be included as well:

"One (1) space of privately-owned off-street parking is required for each residential dwelling in the Downtown Overlay District. This parking space requirement can be met on an off-site location provided

that such space lies within six hundred feet (600') of a main entrance to the principal use."

Section 12 Provisions Governing Overlay Districts, of the Woonsocket Zoning Ordinance is hereby amended by adding:

12.5 Downtown Overlay District. The Downtown Overlay District is hereby established to confer additional options for development and land use in the Main Street area, with the boundaries of the Downtown Overlay District as shown in the Zoning Map, Exhibit B. The overlay district is intended to allow additional permitted uses that encourage further growth and concentration of art, cultural and entertainment attractions in the Main Street area; promote the temporary use of vacant and underutilized properties; and encourage a walkable, vibrant environment. All land, buildings, structures, improvements and facilities within the Downtown District shall be regulated by both the requirements of the district in which they are located and the requirements of this overlay district. Where the requirements of this overlay district are greater or more restrictive than the requirements of the underlying district, or where conflicts exist between this overlay district and the underlying district, the requirements of this overlay district shall prevail.

12.5-1 Permitted Uses. In addition to uses allowed in the underlying zoning districts, additional permitted uses are allowed within the Downtown District as provided as follows.

(1) Outdoor café seating is permitted outside of a principal restaurant, café or other eating and/or drinking establishment provided it complies with the following regulations:

(a) Outdoor café seating shall be located on the same lot as or adjacent to the principal restaurant or café use provided the appropriate City permits and/or licenses have been obtained.

(b) When outdoor café seating is located on a sidewalk adjoining the principal restaurant or café use, there shall be a minimum four (4) feet wide unobstructed passageway for pedestrians on the sidewalk.

(c) When outdoor café seating is located on a sidewalk adjoining the principal restaurant or café use, outdoor seats, tables and related furnishings shall be removable.

(d) No outdoor café seating shall encroach upon any part of the sidewalk frontage of any adjacent property or alley.

(e) Outdoor café seating shall comply with all applicable building, health, safety, fire and environmental standards.

(f) Outdoor café seating will only be permitted during April 1 to November 1 of the calendar year.

(2) Live/work unit

(3) Artist studio or gallery

12.5-2 Interim Uses. An interim use is a temporary or transitional development, installation, or activity established on underutilized and/or vacant property for a predetermined period. Interim uses are permitted in the Downtown District Overlay and limited to C-1, MU-1 and MU-2 zones, provided they comply with this Section 12.5-2.

(1) An interim use shall be permitted for a period of up to six (6) months. The six (6) month time period may be extended through the granting of a Special Use Permit. An interim use that occurs on a property on an annual basis or other regular period basis exceeding the allowable time periods shall be treated as a special use and shall only be permitted through the granting of a Special Use Permit.

(2) Interim uses shall achieve all of the following requirements in order to be permitted:

(a) Interim uses shall provide public amenities, public access or promote economic development.

(b) Interim uses shall encourage pedestrian activity with visual and/or physical access provided from the adjacent street edge.

(c) Interim uses shall encourage street-level activity through commercial enterprise, streetscape enhancement, public art and/or public access.

(3) Applications for interim uses shall be reviewed and approved by the City Planner or designee. Applications shall include the following:

(a) Applicant's name, address and phone number

(b) Property owner's name, address and phone number

(c) Written consent of the owner of the property to establish the proposed interim use

(d) Location of property

(e) Current use of property

(f) Description of proposed interim use

(g) Length of time request for proposed interim use

(h) Illustrations, sketches or drawings of sufficient size and clarity to show without further explanation the size and location of the property; location of the adjacent street; location and size of all existing structures on the site; and location of any temporary structures to be installed as part of the interim use

(i) Photos of the property and adjacent properties

(j) Any additional information requested by the City Planner that is considered necessary to adequately review and approve an application

(4) The following interim uses are permitted on underutilized and/or vacant property, provided they comply with this Section 12.5-2:

(a) Food trucks

(b) Pop-up retail

(c) Art and cultural installations

(d) Farmers' market

(e) Theater, music or artistic performances

(5) Separate licenses, permits, fees and approvals may be required by City or State agencies. Applicants shall be responsible for complying with all such requirements."

Section 18.1 *Definitions* of the Woonsocket Zoning Ordinance is hereby amended by adding:

*Artist studio/gallery*: A commercial work or exhibit space within an enclosed structure for artists and artisans, including individuals practicing one of the fine arts or performing arts or individuals skilled in an applied art or craft. Applied arts and crafts include, but are not limited to ceramics, jewelry manufacturing, welding and woodworking, incidental retail sales of items produced on the premises is allowed.

Farmers' Market: A temporary market where producers and processors sell agricultural and horticultural products directly to the public. Such products shall include, but not be limited to fruits, vegetables, dairy products, plants and value-added agricultural products like as jam, and other food-related products.

Food Truck: A readily movable motorized wheeled vehicle or a rowed wheeled vehicle that is designed and equipped to serve food.

Interim use: A temporary or transitional use, installation, or activity established on underutilized or vacant property for a predetermined period.

Live/work unit: A structure or area within a structure that combined a dwelling unit and permitted non-residential use that is principally used by at least one (1) occupant of the dwelling unit. Permitted non-residential uses include those uses permitted in the Downtown Overlay District. The residential use is secondary to the primary use as a place of work.

Outdoor café seating: Seating incidental to and provided outside of a restaurant, café, or other eating and/or drinking establishment, provided the outdoor seating is located on the same lot as the principal use on the adjoining sidewalk.

Pop-up retail: A retail store that is opened for a temporary period of time. Such a store may be established in or under temporary and/or modular structures.”

**SECTION 3. City Council public hearing:**

No zoning ordinance or zoning map, or portion thereof, shall be adopted, amended, or repealed until after a public hearing has been held upon the question before the City Council. The City Council shall hold a public hearing within sixty-five (65) days of the receipt of a proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed adoption, amendment or repeal.

**SECTION 4. Referral to Planning Board**

This proposed amendment will be referred by the City Council of the City of Woonsocket to the Woonsocket Planning Board. The Planning Board shall review the proposed amendment in regard to consistency with the City's comprehensive plan and demonstrate a recognition and consideration of each applicable purpose of zoning.

**SECTION 5. Public notice requirements:**

The following public notice requirements shall be met before any adoption, amendment or repeal of the zoning ordinance enacted by the City Council.

General public notice. The City Council shall give notice of a public hearing to consider a proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, by publication in a newspaper of general circulation within the City of Woonsocket at least once each week for three (3) successive weeks prior to the date of such hearing, which may include the week in which the hearing is to be held. Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

- (1) Specify the place of said hearing and the date and time of its commencement;
- (2) Indicate that adoption, amendment or repeal of a zoning ordinance, or part thereof, is under consideration;
- (3) Contain a statement of the proposed amendments to the ordinance once in its entirety, or summarize or describe the matter under consideration;

(4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and

(5) 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 such alteration or amendment must be presented for comment in the course of said hearing.

**SECTION 6. Notice to state:**

At least two (2) weeks prior to the hearing, the City Clerk shall send written notice, which may be a copy of said newspaper notice, by first class mail, to the associate director of the Division of Planning of the Rhode Island Department of Administration.

**SECTION 7. Notice to cities or towns:**

At least two (2) weeks prior to the hearing, the City Clerk shall send written notice, which may be a copy of said newspaper notice, by first class mail, to the city or town council of any city or town to which one (1) or more of the following pertain:

- (1) Any portion of the city or town is located in or within not less than two hundred (200) feet of the

perimeter of the area proposed for change; and/or

(2) 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 by that city or town, within two thousand (2,000) feet of any real property that is the subject of a proposed zoning change regardless of municipal boundaries.

**SECTION 8. Notice to water department, agency, district or company.**

At least two (2) weeks prior to the hearing, the City Clerk shall send written notice, which may be a copy of said newspaper notice, by first class mail, to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within two thousand (2,000) feet of any real property which is the subject of a proposed zoning change, provided however, that the governing body of said state or municipal water department or agency, special water district, or private water company has filed with the building inspector a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand (2,000) feet thereof.

**SECTION 9. Notice of specific changes to zoning map:**

The proposed change is not specific to any particular properties, therefore individual notice is not required.

**SECTION 10. Defect in notice:**

No defect in the form of any notice required shall render any ordinance or amendment invalid, unless such defect is found to be intentional or misleading.

**SECTION 11. Decision of the City Council:**

The City Council shall render a decision on a proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, within forty-five (45) days after the date of completion of the public hearing thereon.

**Section 12. Effective Date.**

This Ordinance shall take effect immediately upon its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.