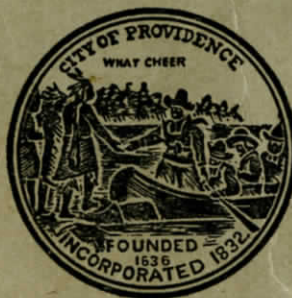


HB #50

THE PROVIDENCE ZONE PLAN

Report Outlining a Tentative Zone Plan for
Providence, by Robert Whitten, Consultant, to
the Joint Standing Committee on Ordinances



CITY OF PROVIDENCE
JOINT STANDING COMMITTEE ON ORDINANCES
1923

Building the Future City

Zoning is a first essential to the securing of a measure of orderliness in the building of the city. The common sense of the average citizen leads to a degree of order in the home, the store and the factory that is all but lacking in the life and work of the community as a whole. For want of a well-considered plan of building development each man builds without reference to his neighbor. The result is chaotic. Haphazard growth is inefficient, wasteful and ugly. Why not use the same forethought and care in the building of our community home that each sane man uses in the building of his individual home or factory? Zoning is the direction of building development along orderly and well-considered lines of city growth. On the economic side, zoning means increased industrial efficiency and the prevention of enormous waste. On the human side, zoning means better homes and an increase of health, comfort and happiness for all the people.

Joint Standing Committee on Ordinances

ARTHUR A. THOMAS, *Chairman*

J. HENRY MANNING
HENRY W. ANDERSON

ALBERT W. HOLMES
RUSH STURGES

ROBERT WHITTEN, *City Planning Consultant*
Cleveland, Ohio

CHARLES F. FISHER, *Associate*

FOREWORD

BY virtue of the authority contained in the State Zoning Enabling Act, the City Council on March 6, 1922, directed the Joint Standing Committee on Ordinances to arrange for the preparation under its supervision of a zoning ordinance and plan for Providence and provided funds therefor. Robert Whitten, City Planning Consultant of Cleveland, Ohio, was engaged and began the preparation of such plan on July 1, 1922.

The purpose of this report is to explain zoning in general and the tentative zoning plan for Providence in particular. The plan as herewith presented is not final, but is submitted as a basis for general discussion and constructive criticism. It is believed that suggestions resulting from a disinterested and sympathetic study of the tentative plan by the public will be beneficial in many respects and will result in drawing attention to changes that should be made to correct mistakes or oversights that are inevitable in the preparation of a project of its character and magnitude.

It should be understood, however, that a comprehensive zoning plan must have balance and unity, that it must provide for the orderly growth and development of the city, that an area or section must be placed in the class of district having the most suitable and appropriate regulations for it as a whole, and that individual development plans and projects will

have to conform and harmonize with such requirements as are in the interest of the majority of a district and the public welfare. In such study and criticism, therefore, the zoning plan should be considered not solely or chiefly from its effect on the use by the individual of a particular lot, but primarily from the standpoint of the plan as a whole and its effect upon a block or a section and upon the entire city.

It is suggested that those who may have objections should satisfy themselves that such objections are based on correct information and not on a misapprehension or misunderstanding of the provisions of the ordinance. Citizens are invited to call at the zoning office in the City Hall and examine the draft of the zoning ordinance and maps, and are assured that all suggestions for changes in the text of the ordinance or in the districts proposed will receive careful consideration before the ordinance and maps are revised and put in final form for transmission to the City Council.

ARTHUR A. THOMAS,

Chairman,

J. HENRY MANNING,
HENRY W. ANDERSON,
ALBERT W. HOLMES,
RUSH STURGES,

Joint Standing Committee on Ordinances.

Letter of Transmittal

April 28, 1923.

To the Joint Standing Committee on Ordinances:

I transmit herewith a report on a Zoning Plan for Providence. The zoning map and ordinance accompanying this report have been carefully prepared, but in their present form should be considered as tentative and provisional. Any plan of this kind must be more or less faulty and incomplete until it has been revised and adjusted as a result of constructive criticism following its study by the various civic and commercial organizations and by

property owners generally in every section of the city. I will welcome an opportunity to discuss the plan with the various organizations and with interested individuals. As a result, I am sure that a zoning plan will be arrived at that will represent the best judgment of property owners and citizens generally in all parts of the city, and at the same time satisfy the needs and requirements of the city as a whole for a well balanced and orderly plan to guide its future growth and development.

Respectfully submitted,

ROBERT WHITTEN.

City Zoning

THE ZONING MOVEMENT.

HAPHAZARD building development prevailed throughout the United States until a few years ago. Municipalities exercised little or no control over the use of private real property. No procedure had been developed by which city-wide regulations could be imposed and development directed. An owner could use his property for any purpose and in any way he pleased, provided he did not establish a specially offensive nuisance, regardless of the injury he might inflict on those near by. In 1916, however, a method of controlling and directing city growth and development by comprehensive municipal regulations, called zoning, was devised.

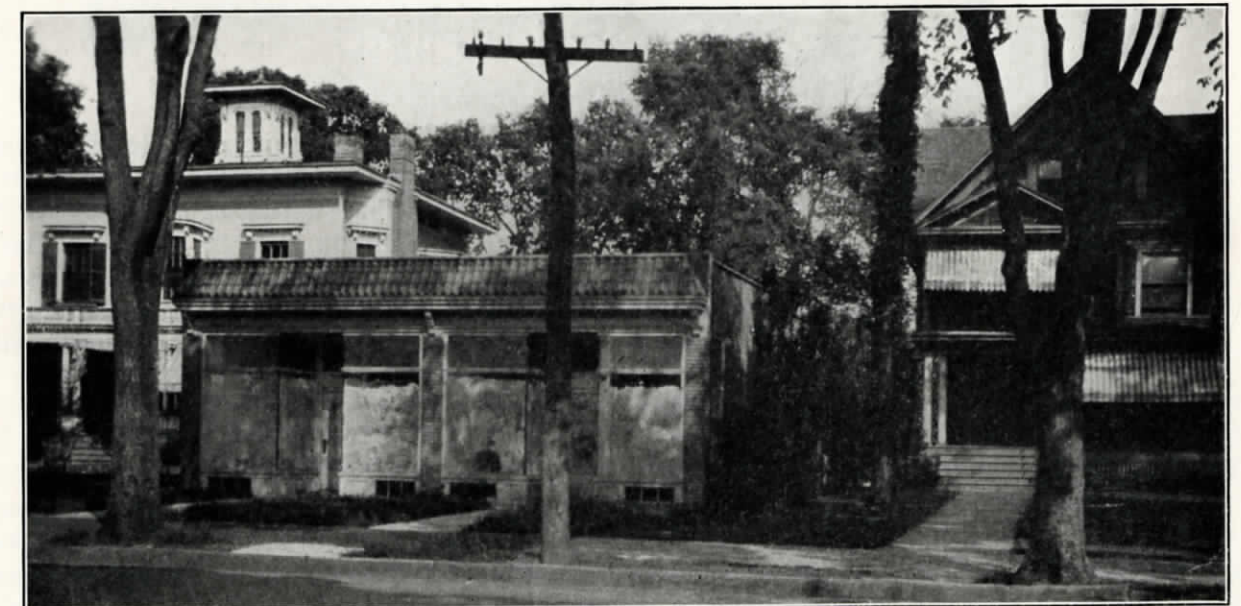
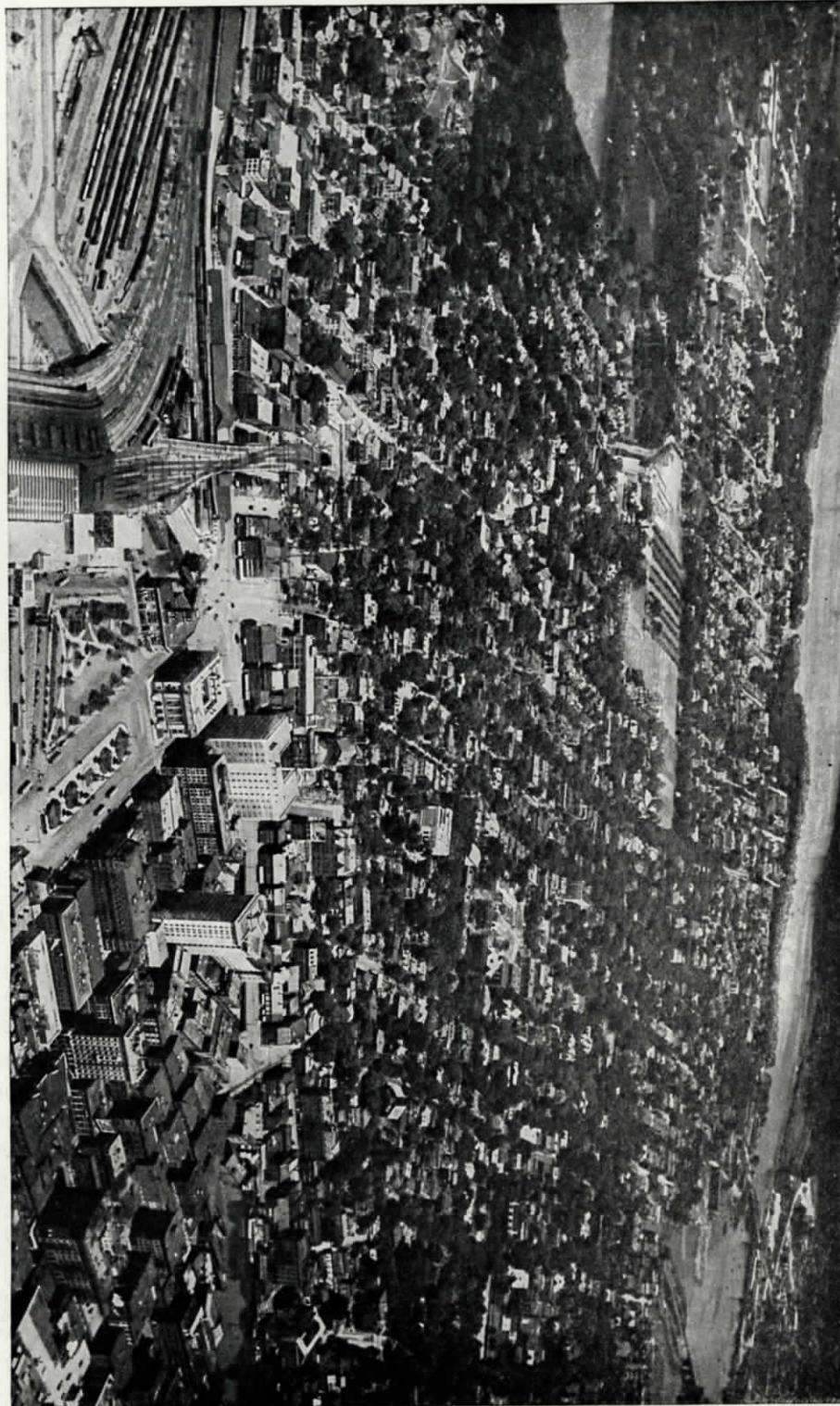
City zoning in a period of less than seven years has spread with amazing rapidity throughout the country. Cities and towns in every section have insistently demanded the establishment of zoning regulations as a protection against the injurious effects of haphazard development. The Division of Building and Housing of the United States Department of Commerce reports that on the first of January, 1923, 109 cities and towns,

including 22 of the 50 largest cities and 27 per cent of the entire urban population of the United States, had zoning regulations in operation. Some 125 others are preparing plans or have ordinances ready for adoption.

WHAT ZONING IS.

City zoning is action by a community, through the enactment of an ordinance by its Council, to regulate the use of all real property in the city for the promotion of health, safety, prosperity and the general welfare. A comprehensive zoning plan divides the city into different districts and prescribes the appropriate uses, the appropriate building height and the appropriate yard and intensity requirements for each district. It classifies the various uses to which property is devoted, and determines suitable and adequate districts for all kinds of uses and types of buildings. It requires each new building or use to locate in one of the various districts provided for it and prohibits the location of new buildings or uses in districts where they would be inappropriate or injurious. It prohibits business and industry in residence districts and prohibits industry in business districts. City zoning contemplates that the city shall be

Air View of Part of Central Business District and East Side Hill



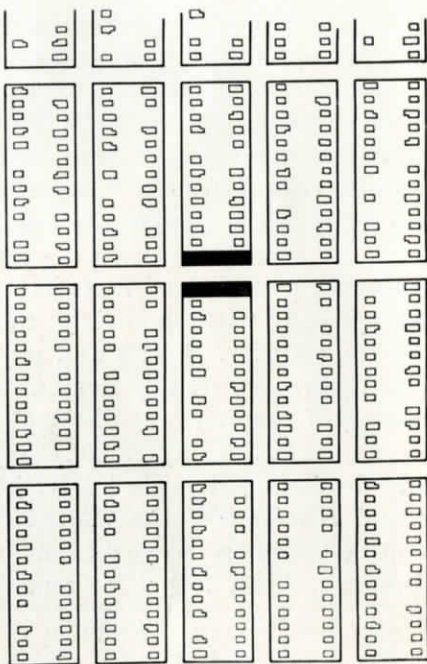
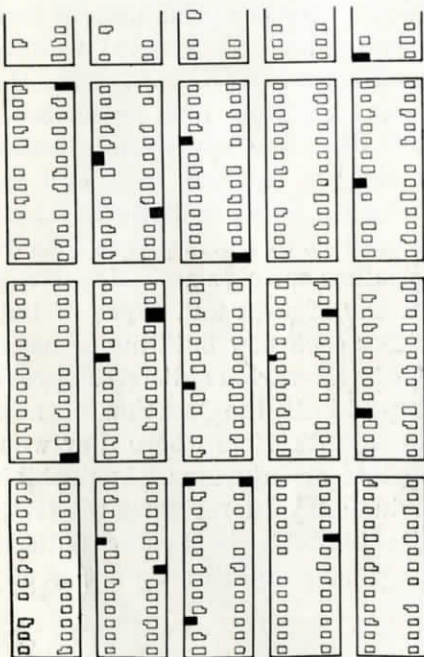
An Invader That Proved Unprofitable but Nevertheless Injurious

Which is the Common Sense Plan ?

Stores & Dwellings Arranged

Like this ?

or Like this ?



■ Store □ Dwelling

built along orderly and economic lines just as the individual structures, which compose it, are built in accordance with plans and arranged in a systematic way. Every well constructed residence, business building or industrial plant, and all public works and other structures are designed and constructed to function efficiently and economically. Business and industrial efficiency, the maintenance of the uniformity and integrity of established districts, especially home neighborhoods, and the public welfare demand that the various uses and buildings in a city shall not mix indiscriminately, regardless of character or type, but that they shall group or

segregate according to reasonable classifications and natural tendencies. In short, city zoning directs the location of the right building for the right purpose in the right place and substitutes orderly for disorderly, efficient for inefficient, economic for wasteful, and systematic for haphazard community growth and development.

NATURAL TREND TOWARD SEGREGATION.

All cities and towns have grown along similar lines. Different sections have developed for different purposes. In many sections buildings and uses have segregated or grouped

more or less definitely. In some localities this grouping is well defined and the development uniform in character. The segregation of uses is to their mutual advantage and benefit and follows a strong natural tendency for a use or building to locate in a district which is suitable or convenient or devoted to purposes of a similar or compatible character. In a general way all privately owned land in a city or town is used for industrial, business or residential purposes. Every city has its industrial, business and residential sections. Topography, the location of rail and water transportation and the street plan are dominant factors in determining the location of these different sections. In the low lands, along harbors, rivers and railroads, are the natural

HAPHAZARD DEVELOPMENT.

The natural tendency of uses to segregate is not, however, sufficient or strong enough in itself to assure uniform development. It influences buildings and uses to select locations to their benefit and advantage, but it has no power to restrain them from locating where they are injurious to the surrounding development. In every city some sections are gradually but persistently invaded by inappropriate buildings and uses, so that large areas eventually become blighted and ruined for residence purposes without the compensation of being transferred into good business or industrial property or of securing an enhancement in land values sufficient to offset the depreciation of building values.



Developments of This Type Will be Preserved by Zoning

locations for industrial plants and manufacturing; near the center of the city, where the main thoroughfares converge or from which they radiate into the suburban districts, is the natural location for the central or main business district; and between main thoroughfares or in the more elevated and distant areas, away from the noise and smoke of industry, the congestion of business and the hazard of traffic, are natural locations for residence districts and home neighborhoods.

INVASIONS.

A district of uniform development is in constant peril of being invaded by exploiters who take advantage of the situation to absorb the values created by those who have developed it and built it up by their enterprise and exertions. That this is capitalizing the investments of others and taking a profit to which he is not in equity entitled does not restrain the exploiter from going ahead. Three deckers, tenements and large apartment houses are put

(The illustrations on pages 4, 9 and 31 are reproduced by courtesy of the Cleveland City Plan Commission)



A "First Intrusion" Followed by Others

in a neighborhood of private dwellings. Stores, shops and laundries are built in the midst of dwellings and apartments, and destroy the peace, quiet, comfort and attractiveness of the neighborhood and property values as well. Factories or manufacturing enterprises are established in districts adapted and devoted to business purposes and inflict serious injury. Plants of the noxious or semi-nuisance type which emit excessive smoke, dust, fumes, gas or noise locate where they damage plants of the ordinary or non-noxious type, and injure those who live in the vicinity.

INTRUSIONS CAUSE BLIGHTED DISTRICTS.

The first intrusion that appears in a built up residence section may not be serious in itself. A few professional offices or even a store of the better class, located in a building that is attractive, observes the building line and conforms in most respects with the surrounding residences, may not disturb or arouse the neighborhood. But this is the entering wedge. There is a natural tendency for other intrusions to follow. When a few of these invaders have located in the vicinity, introducing new elements in the way of increased traffic, increased intensity of use, increased fire hazard, increased percentage of non-home owners, increased noise and dirt, first uncertainty as to the future of the district and then

lack of confidence quickly appear. Residences cease to be kept in repair; few or no new ones are built; a large section is blighted; values decline; property owners suffer a financial loss; and the community suffers both an economic and a social loss.

UNCERTAINTY.

In communities where an owner may use his property for any purpose and in any way his fancy may suggest, it is impossible to forecast the future development of a lot, street or section. This uncertainty influences some owners to make an inappropriate use of their property, as they have no assurance that an appropriate development would not later be damaged by the building of some other owner. Uncertainty creates a justifiable suspicion as to the stability of the value of real estate and the security of of real estate investments. It tends to discourage building operations and appropriate development. It gives to the building of a home the nature of a speculative enterprise because all of the vacant lots in the neighborhood are possible locations for buildings and uses of an injurious character and a constant menace to its comfort, attractiveness and value.

EXCESSIVELY HIGH BUILDINGS.

Haphazard development is also responsible for many buildings being built to an excessive

height or to a height that is excessive for the location. In cities where many excessively high buildings have been built, serious damage has resulted. Experience indicates that a skyscraper, as long as it is surrounded by low buildings, permitting it to secure from adjoining property an abundance of light and air, may pay a satisfactory return on the investment. When, however, other equally high or higher buildings surround it, darkening the rooms in the lower half or more of the first building, its offices become less desirable, its tenants move into the newer buildings and its income drops to a point where it may cease to pay a fair return. Some of the adjoining buildings, in turn, suffer a like experience. It is generally agreed that the very high buildings are not a great financial success, and that where many are built in close proximity to each other, they are a serious damage to surrounding property, detrimental to health, a menace to safety and a contributory cause of traffic congestion.

ADVANTAGES OF ZONING.

A comprehensive zoning plan, by dividing the city into different districts and determining the uses to which land and buildings may be devoted in each district, the maximum height to which buildings may be built and the yards and open spaces which must be provided, makes reasonably certain the future

development of any lot, block or section. This certainty is invaluable in any undertaking or action in which real estate is in any way involved. Zoning removes from real estate the principal cause for suspicion as to the stability of its value, inspires confidence in its safety as an investment and makes it a safer and better security for loans, facilitates the financing of building operations, stimulates new building construction and promotes home building and home owning.

Establishing different districts for different uses is an advantage to business and industry districts as well as to residence districts. Keeping business out of residence streets means keeping it in the business streets which are entitled to it. Industrial enterprises may locate in districts set apart for them without being embarrassed or hindered by the protests and objections of residence owners and may be supplied more readily and economically by the city with the special sewers, water mains and streets which they require for efficient operation. With the entire city divided into districts in which the future development is fixed, a surer basis is provided for the determination of traffic streets, roadway widths, types of street paving and the size of sewers and water mains, and the collection of garbage is simplified, the cleaning of streets is facilitated and the hazard of fire is reduced.

Prohibiting business and industry in resi-



This Bottling Works is a Misplaced Use and Also Violates the Building Lines

dence districts keeps out injurious odor, dust, smoke, gas, noise and traffic. Restricting the number of families that may occupy a given area prevents undue concentration of population and tends to spread it over the less thickly populated sections. Requiring side, rear and front yards in residence districts assures greater open spaces, more light and air about buildings and lessens the fire danger. Limiting the height of buildings means more light and air in residence and office buildings, reduces the hazard of fire and panic, encour-

ages the expansion of the central business district and tends to keep down congestion in the streets. Zoning preserves and promotes health, safety, morals, comfort, convenience and the general welfare.

Zoning, by assuring the permanency and integrity of the character of districts, conserves the value of buildings and land; preserves taxable values; promotes convenience, comfort, contentment and a more attractive environment in residence districts; and maintains and protects the home and civic welfare.



A Street of Three-deckers Built Close Together Without Front Yards

Shall the mass of the population of the great city of the future be housed

like this? or like this?



Zoning is the only safeguard against excessive congestion.

Some Fundamental Purposes in Zoning

CONGESTION is one of the most vital and difficult problems confronting cities at the present time—street congestion, transit congestion, land overcrowding and the congestion of population. Zoning can make a very great contribution to the reduction or prevention of these congestion evils. In the first place, zoning and regional planning can do much to lessen the increasing concentration of business and industry in the central part of the city. This concentration means increased traffic, transit and housing congestion. A movement toward the decentralization of business and industry can be furthered by careful zoning. Coincident with the centripetal movement of business and industry toward the

center, there is naturally a much smaller centrifugal movement away from the center. The heavier industries naturally move out as land values near the center increase and opportunity for expansion is blocked. But the place of the large plant is usually taken by a number of light manufacturing establishments having several times as many employees as the former plant, thus adding greatly to transit and housing congestion. The spreading out of the industries and the establishment of industrial centers in suburban sections can be promoted by zoning. Zoning regulations can also promote the development of important sub-centers that will take care of much of the business that would otherwise increase congestion in the

central area. Zoning can further decentralization:

(1) By providing in the zoning plan for large business districts around a number of the most important traffic and focal points throughout the city.

(2) By providing for local or suburban industrial centers and for the extension of the industrial areas far out into the suburbs along most of the railroad lines.

(3) By limiting the expansion of the central business and industrial areas, and thus tending to crowd out business and industries that can be more economically and appropriately located away from the main business, traffic and high value center.

(4) By limiting the height of buildings in the central business and industrial area. This limits expansion vertically and has to a slight degree at least the same effect as the limitation of expansion horizontally, above referred to.

The decentralization of business and industry as above outlined is also essential in order to prevent the congestion of population in the residence sections adjacent to the central area. Employees working long hours at low wages can afford neither the time nor the money to live far from their work. In New York City it has been shown that a very large proportion of such employees will live within walking distance of their work, even though this neces-

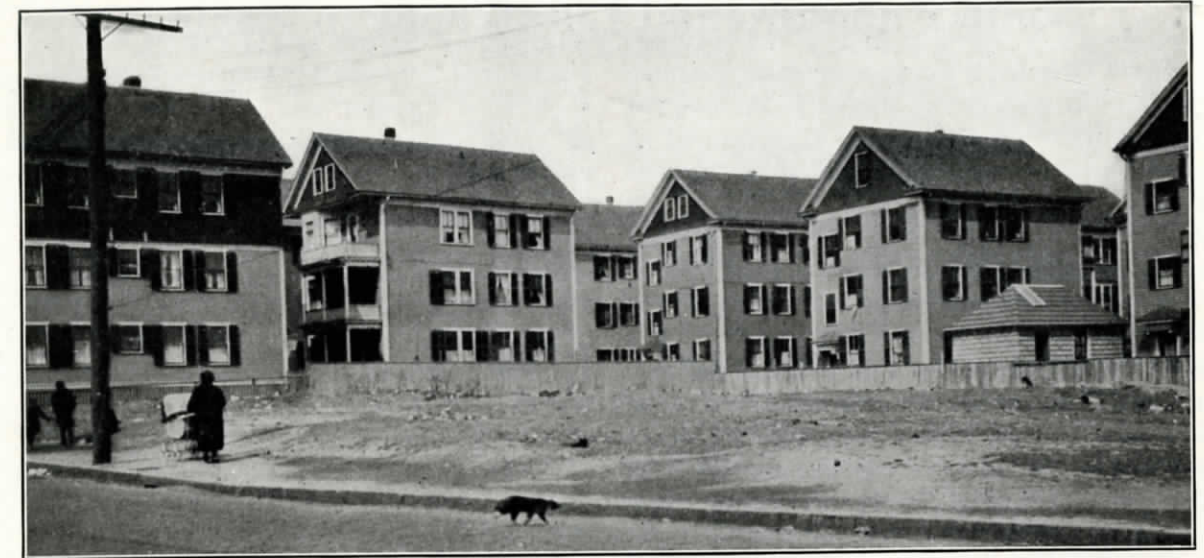
sitates their living in the most congested and unwholesome quarters. The movement of industries and places of business away from the center will make it easier to prevent congestion and secure better housing conditions in the residence sections adjacent to the central area.

The problem of congestion of population can also be directly attacked under a zoning ordinance. In fact, zoning is the only method yet devised that can be applied to actually prevent the development of overcrowding in the housing of the population of a large city. This is accomplished through the area regulations that require a certain number of square feet of lot area for each family for which a tenement is arranged. Without such control there is a continual tendency in tenement construction to increase the number of stories and families and to decrease the size of rooms and the number of rooms per family. Congestion breeds congestion. Under a zoning plan, congested conditions already existing in any section of the city cannot be helped, but the extension of such conditions to other areas can and should be prevented.

The protection of the environment of the home is another of the fundamental purposes of zoning. This is accomplished through the setting aside of residence districts and prohibiting the intrusion of stores, public garages,



Zoning Will Prevent Existing Congested Conditions from Spreading to Other Areas



Each of These Three-deckers is One of a Pair on a Single Lot—One Front and One Rear

steam laundries or other business or industrial uses; by setting aside dwelling house districts from which three deckers and apartments are excluded; and by maintaining adequate front, rear and side yards and adequate lot sizes in all residence districts.

Another of the fundamental purposes of zoning is the conservation of property values; and particularly the prevention of the enormous economic waste in building construction due to the fact that, owing to the invasion of the various sections of the city by inappropriate uses, many buildings become obsolete before they have served one-half their normal

life. This economic waste is tremendous. It has been estimated to exceed the loss due to destruction by fire. It is a hazard that must be considered by every investor in real estate, and has undoubtedly increased the rate of return necessary to attract capital for investment. This in turn has meant a lower level for real estate values, the construction of fewer dwellings and apartment houses and higher rents. It follows that zoning by conserving values and reducing the hazard incident to owning real estate will bring a higher general level of values and will tend to reduce rents.



A Laundry in a Street of Private Homes

Some Fundamental Limitations in Zoning

STARTING with the fundamental premise that the purpose of zoning is the control and direction of building development in accord with a well considered plan for the orderly and harmonious development of all property throughout the city, certain limiting conditions present themselves:

The zoning power is based upon the right of the city to regulate the use of property in the interest of health, safety and general welfare. Only such regulations as can be shown to be reasonable and necessary for these purposes can be enforced under existing constitutional limitations. Judicial interpretation of these limitations exclude for the present at least the adoption of regulations based solely on aesthetic purposes. This rules out many regulations that are proper in private restrictions such as those specifying the cost of a building or regulating its design.

A zoning plan must be reasonable and not arbitrary or confiscatory. Each owner should be permitted a reasonable use of his land. To be reasonable, the use permitted should as a rule be such as will produce a fair return on the actual value of the land. Special care has therefore been exercised in determining districts to place a given area in the class of district that will permit the area as a whole to be devoted to its most profitable use. If there are individual lots within the area that cannot be appropriately improved under the general regulations prescribed for the district, the Board of Review is authorized to grant such relief as will prevent confiscation and permit a fair return on the actual value of the land even in these exceptional cases. But such relief should be so safeguarded and conditioned that it will not permit an exploitation of the neighborhood or create a nuisance or seriously injure the fair value of neighboring property. To "live and let live" is a good motto to remember in determining what is a reasonable use of property in any particular case.

The above is not an attempt to state legal principles or constitutional limitations in relation to zoning, but rather what seems to be a just and reasonable rule to follow in drafting and applying zoning regulations. To be sure, where public health and safety are

vitally and immediately concerned regulations should be applied and enforced, regardless of their effect on the individual property owner. But such cases will be few and far between in a carefully prepared zoning ordinance. Zoning regulations, while they have an undoubted relation to public health, safety and welfare, will as a rule accomplish these purposes more certainly and effectively if they are drawn chiefly with reference to safeguarding the future and with a frank acceptance of existing conditions and existing equities.

Zoning regulations must be applied without discrimination. Areas in different parts of the city which are similarly situated and in which like conditions prevail should be placed in like districts. This principle also precludes partial zoning. The plan should cover all property throughout the city. It should be city-wide and not piecemeal.

Zoning cannot rebuild a city, but must start with an existing city in which much haphazard and undesirable development has taken place. Zoning regulations are not retroactive; they cannot do away with existing structures or change existing uses. In applying zoning to an already developed area, chief weight must be given to existing conditions and the existing trend of development rather than to conditions previously obtaining, or the ideal development that could have been secured if zoning had been applied earlier. Where intrusions are not serious, however, and the obvious conditions and tendencies indicate that the application of restrictions to a section will stimulate and restore uniformity of development, and benefit the section as a whole, these considerations should prevail over the presence of misplaced and inappropriate uses.

Zoning should aim at a minimum of restriction. Each regulation and each district boundary should be determined with reference to giving the greatest freedom of action consistent with the public good and the protection of the rights of all owners. In the application of the zoning it is the function of the Board of Review to vary the strict letter of the ordinance in harmony with its general purpose so as to grant a maximum of freedom while at the same time safeguarding the spirit and purpose of the zoning plan.

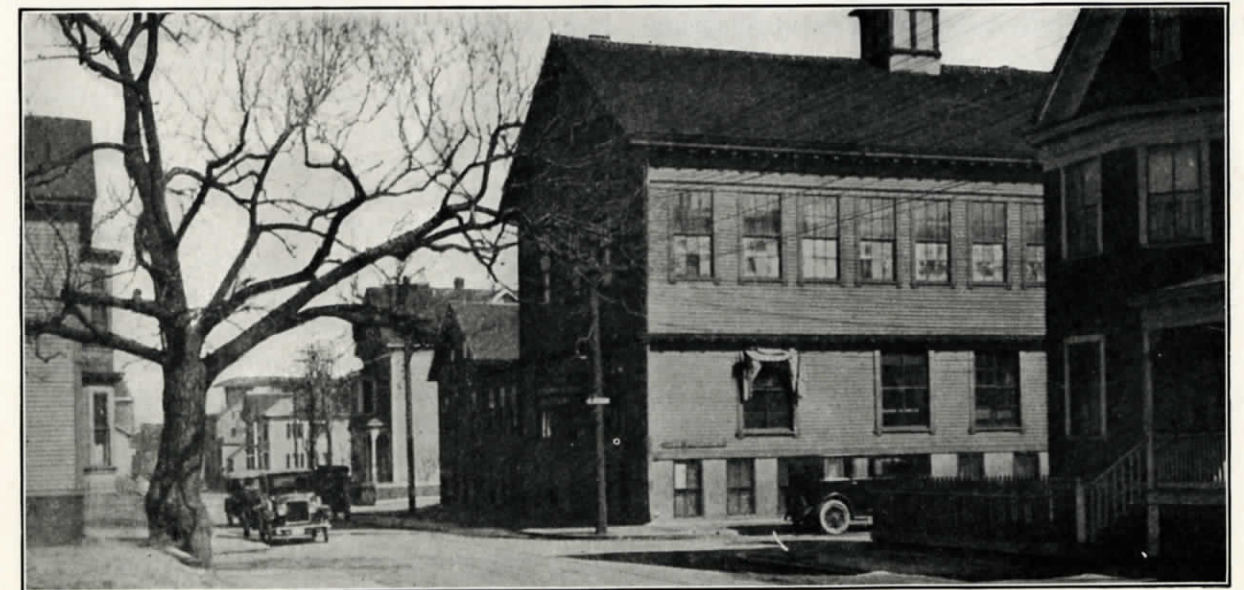
Reasonable and Comprehensive Zoning is Legal

THE enactment of a zoning ordinance is an exercise of the police or community power. Regulations to abolish public nuisances and to require safe building construction by specifying the strength and kind of material, fireproofing, fire-escapes, plumbing, sanitary conditions and other requirements in building and housing codes for the preservation of health, safety and the general welfare are enforced under the police power. The enforcement of these police power regulations was once vigorously contested, but their validity is not now questioned. Public thought, the attitude of the courts and the trend of judicial opinion are toward a broadening and an extension of the application of the police power. The decisions of the state and federal courts in many cases where the application of the police power has been involved, and in cases where the legality of zoning regulations have been attacked seem to indicate conclusively that a comprehensive zoning ordinance, enacted under power conferred by an adequate state zoning enabling act, will be sustained, provided the regulations and the districts created are reasonable and not arbitrary or confiscatory.

The Supreme Judicial Court of Massachusetts has rendered an opinion in which it is held that comprehensive city zoning is a proper exercise of the police power. (234

Mass. 597.) This opinion rendered in relation to the constitutionality of the proposed state zoning enabling act contains the following:

"We are of the opinion that the proposed statute cannot be pronounced on its face contrary to any of the provisions of the Federal Constitution or its Amendments. The segregation of manufacturing, commercial and mercantile business of various kinds to particular localities, when exercised with reason, may be thought to bear a rational relation to the health and safety of the community. We do not think it can be said that circumstances do not exist in connection with the ordinary operation of such kinds of business which increase the risk of fire, and which render life less secure to those living in homes in close proximity. Health and security from injury of children and the old and feeble and otherwise less robust portion of the public well may be thought to be promoted by requiring that dwelling houses be separated from the territory devoted to trade and industry. The suppression and prevention of disorder, the extinguishment of fire and the enforcement of regulations for street traffic, and other ordinances designed rightly to promote the general welfare, may be facilitated by the establishment of zones or districts for business as distinguished from residence. Conversely, the actual health and safety of the community may be aided by excluding from areas devoted to residence the confusion and danger



A Building Devoted to Light Manufacturing in the Midst of Residences

of fire, contagion and disorder which in greater or less degree attach to the location of stores, shops and factories. Regular and efficient transportation of the breadwinners to and from places of labor may be expedited. Construction and repair of streets may be rendered easier and less expensive if heavy traffic is confined to specified streets by the business there carried on. It is easy to imagine ordinances enacted under the assumed authority of the proposed act which would exceed the constitutional limits of the police power and be an indefensible invasion of private rights. But it cannot be presumed in advance that municipalities will go outside their just powers and unwarrantably interfere with property. Cases of that sort must be dealt with if and when they arise."

The highest court in New York State declared that the zoning of New York City is constitutional, stating that zoning can be done under the police power if done with care and good judgment so as not to be arbitrary or confiscatory. (*Lincoln Trust Co. vs. Williams Building Corporation*, 229 N. Y. 313.)

A district court in Kansas, in granting an injunction to restrain the erection of a business building in a residence district in violation of a zoning ordinance, used the following language:

"In my opinion the zoning statute and zoning ordinance are not unconstitutional; they do not deprive the defendants of their liberty and property without due process of law; they do not take private property for public use without compensa-

tion; they do not abridge the privileges and immunities of the citizens of the United States and they do not deny them the equal protection of the laws; they do not attempt to make legal the taking of private property for private use without compensation, and they do not assume to delegate legislative power to private persons. . . . In my opinion the law and the ordinance act in directly the opposite way, and prevent the taking of private property without due process of law and the taking of private property for public or private use without compensation. . . . Heretofore the law has been careful to look after the man who put his property to the poorest use; under such a law and ordinance the law will protect a man who puts his property to the best use." (*City of Wichita vs. Ware et al.*)

In affirming the judgment of the district court in the above case, the Supreme Court of Kansas (all justices concurring), March 10, 1923, said:

"Under express grants of legislative power conferred upon cities of the first class having 20,000 inhabitants, such cities may plan and create reasonable zoning districts for the future systematic development of the city, and provide for residential, commercial and industrial districts, and prohibit the construction of buildings at variance with such plan of development. The city ordinance in controversy, adopted pursuant to express statutory authority and which forbids the construction of a business building in a residential district, is a valid exercise of the police power, and does not violate any provision of state or federal constitution."

Preliminary Study

CITY zoning, as a method of regulating city development under the police power, has made important advances in its practice, application and procedure since the first comprehensive plan was adopted in New York City less than seven years ago; but there has not been developed, and it is not practicable to devise, a standard zoning ordinance that can be universally applied. As cities differ in history, tradition, age, size, topography, situation, business and industrial interests, social and civic standards and in prospects and aspirations, so each constitutes a distinct problem in zoning and requires special regulations to meet its particular and peculiar requirements.

To intelligently and efficiently prepare a zoning plan in which the provisions and regulations of the ordinance will be appropriate and adequate and the districts properly and reasonably determined, it is essential to have general information regarding a city's history and growth, complete knowledge of its physical features, existing development and economic resources, an understanding of its civic and social conditions, and an approximation of the size in population and the ultimate growth as a business and industrial community it is destined to attain within a determined period.

Information pertaining to the history and growth of Providence has been obtained from various available sources, and an intimate familiarity with its physical features and existing development has been acquired by continuous investigations. In making a study of existing conditions, a general knowledge of the entire city was first secured so that all particular and specific information regarding any area or section could be correlated and arranged with respect to its relation to other parts and the whole community. The record of the city's progress in civic affairs and social conditions is revealed in its schools and churches, in its system of parks, playgrounds and recreational facilities, in its notable educational and philanthropic institutions and in its expenditures and efforts in providing municipal service facilities and a more convenient and adequate street system. This

record indicates a benevolent and generous community spirit, a highly developed civic consciousness, an intelligent and substantial achievement, and is an assurance of greater endeavors and accomplishments in the future. The prevailing sense of community obligation has naturally induced action for the establishment of a zoning plan to conserve all that is best in existing development, to protect home neighborhoods, to improve home attractiveness and environment, to prevent congestion of population, and to promote health, safety and the general welfare. The benefits and advantages to be derived from such a plan are so tremendous that the undertaking, when successfully accomplished, may well be counted a notable achievement in constructive community betterment.

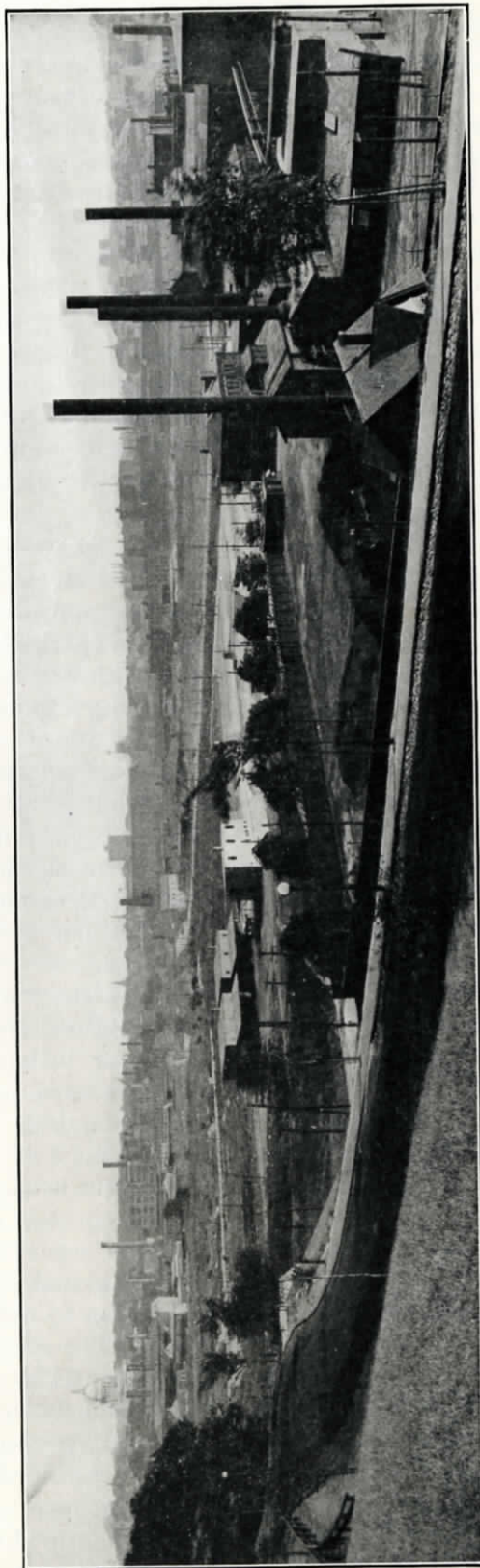
The location of Providence on a deep water harbor at the head of navigation on Narragansett Bay with excellent natural advantages for commerce, its prominent position as one of the leading cities in the country in certain lines of manufacture and the great number and diversity of its industrial enterprises justify an expectation of a large increase in population, commercial growth and industrial development. Planning for Providence, however, if it be intelligently, adequately and rightly done, must concern itself with the region surrounding it in at least a general way. The Providence metropolitan district is made up of different political or municipal units but is a community with common industrial, commercial, economic and social interests. Almost half of the population of the metropolitan district resides outside of the present city limits of Providence. The relation of this region to Providence and its probable influence on the growth of the city and the development of its various interests were studied and taken into consideration in the determination of districts in order that areas adequate for future business and industrial expansion should be provided.

Study maps have been prepared but they represent only a small part of the work and detailed investigations which have resulted in the plan as tentatively prepared. Reports of the City planning commission, the Metro-

politan park commission, and of special transit and traffic committees of the Council have been utilized in securing an understanding of local conditions and suggested projects for improvement. A report on the Houses of Providence by John Ihlder also gave much valuable data. Much of the information studied is in a form that does not require the preparation of maps or diagrams to make it available. A knowledge of the topography, the general appearance and character of neighborhoods, the age and repair of buildings, the use of property and the trend of development has been acquired by repeated personal inspection and examination of all parts or sections of the city.

At the outset, a map of Providence drawn to a scale of 600 feet to 1 inch was prepared. This map has been used as a base map for various purposes. A study map showing the present use of all the property in the city by colors is of special interest and value. It tells the story of the city's growth and present development in a graphic way. It is principally valuable for the comprehensive view which it furnishes of existing occupancies throughout the entire city, as an aid in recalling conditions as found on the ground and for its revelation of misplaced uses and tendencies of development. It is also serviceable and helpful in conferences and in making explanations when the zoning plan is under consideration. The different use, height and area districts as tentatively determined have also been shown in colors on separate maps.

In order to secure the benefit of the experience of cities which have zoning in operation, their ordinances were carefully studied and all unusual or recently developed provisions and features were considered with reference to their possible application to Providence conditions. The zoning ordinance consists of the text, or general provisions and regulations, and of the zoning map which shows the various districts into which the city is proposed to be divided and to which the general provisions and regulations apply. The determination of the provisions of the ordinance and of the different use, height and area districts has followed a gradual process of development as increased knowledge and understanding of facts and conditions have been obtained.



A View from Davis Park, Showing a Natural Industrial District

Outline of Proposed Zoning Plan

THE proposed zoning ordinance provides for five classes of use districts, four classes of height districts and five classes of area districts.

The use districts are:

1. Dwelling house districts.
2. Apartment house districts.
3. Business districts.
4. First industrial districts.
5. Second industrial districts.

The height districts are:

1. 50-foot height districts.
2. 75-foot height districts.
3. 100-foot height districts.
4. 125-foot height districts.

The area districts are:

1. 4500 square foot area districts.
2. 2000 square foot area districts.
3. 1000 square foot area districts.
4. 500 square foot area districts.
5. Unrestricted area districts.

The ordinance specifies the purposes for which buildings and premises may be used in each of the different use districts, the height to which buildings may be erected in each of the different height districts and the number of square feet of lot area required for each family for which a building is arranged in each of the different area districts. Every lot or parcel of land in the city whether built upon or vacant is in some one of the different use districts, in some one of the different height districts and in some one of the different area districts, as shown on the zoning map which accompanies, and is a part of, the zoning ordinance.

DWELLING HOUSE DISTRICTS.

In dwelling house districts, three deckers, flats, tenements and apartment houses and all business and industrial uses are prohibited. Dwellings for either one or two families and churches, schools, parks and playgrounds are permitted.

The dwelling house districts are further subdivided into what for practical purposes might be called single family dwelling districts and two family dwelling districts. This is accomplished by the area district regulations. A lot located in a dwelling house dis-

trict may be in either a 4500 square foot or a 2000 square foot area district. If in a 4500 square foot district, 4500 square feet of lot area is required for each family for which a dwelling is arranged; if in a 2000 square foot district, 2000 square feet of lot area is required for each family. In a 4500 square foot district, therefore, only a single family house can be built on the 50 by 100-foot lot. The erection of a two family house is not prohibited but it would be required to have an area double the area required for a single family dwelling, i. e., 9000 square feet. For this reason the 4500 square foot district will be very largely a single family dwelling district. In a 2000 square foot district the ordinary 40 by 100-foot lot may be occupied by a two family house. On corner lots, the number of square feet of lot area per family required is 20 per cent less than given above for interior lots. Provision is made, however, that on any existing lot or parcel separately owned, regardless of size, a one family dwelling may be erected in a 4500 square foot district and a two family dwelling in a 2000 square foot district; but in new subdivisions or in re-subdivisions of existing lots at least 4500 square feet must be provided for each family in a 4500 square foot district and 2000 square feet in a 2000 square foot district. The requirement of 4500 square feet of lot area per family has only been applied where the present dwellings are almost exclusively one family dwellings. As the two family house has been scattered through so many of the dwelling house sections, a large proportion of the area included in dwelling house districts has been placed within area districts requiring only 2000 square feet of lot area per family.

The subdivision of the residential sections into dwelling house districts and apartment house districts has been largely determined by the character of the present residential development, topography, location and general surrounding conditions. One of the chief purposes of zoning is to provide protected home neighborhoods consisting largely of home owners, where one and two family dwellings will be secure not only from business and industrial plants but from three deckers, tene-

ments, flats and apartment houses as well. Sections of one and two family dwellings in which there are no intrusions, some in which the intrusions consist principally of a very few scattering buildings of the three decker or apartment house type, and undeveloped sections that are well adapted to dwelling house development are placed in dwelling house districts.

Of the area of the city included in residence districts, 75 per cent is in the dwelling house districts and 25 per cent in apartment house districts. Of the area reserved for dwelling house purposes, 24 per cent is in 4500 square foot or single family districts and 76 per cent is in the 2000 square foot or two family districts.

APARTMENT HOUSE DISTRICTS.

In apartment house districts, business and industrial uses are prohibited but all residence uses, including dwellings, three deckers, tenements, apartments and hotels, are permitted. All uses permitted in a dwelling house district are also permitted in an apartment house district. A lot situated in an apartment house district may be in a 1000 square foot, a 500 square foot or in an unrestricted area district. If in a 1000 square foot district, 1000 square feet of lot area per family is required, permitting the erection of a building for four families on a lot 40 by 100 feet or for eight families on a lot 80 by 100 feet. If a lot situated in an apartment house district is in a 500 square foot district, 500 square feet of lot area per family is required, permitting the erection of a building for eight families on a lot 40 by 100 feet, for 16 families on a lot 80 by 100 feet or for 30 families on an area of 15,000 square feet. If a lot situated in an apartment house district is in an unrestricted area district, the number of families for which a building may be arranged is not limited or restricted.

The 1000 square foot districts provide for the three deckers and the small apartment houses on the ordinary 40-foot lot and for larger apartment houses on larger lots, usually with considerable yards around them. The 500 square foot districts provide for medium size apartments on small lots or for large apartments on larger lots. The unrestricted area districts are designed to permit the erection

of the elevator or hotel apartment and are applied only to a comparatively small portion of the apartment house area.

Of the area of the city reserved for residence purposes 25 per cent is within the apartment house districts. And of this apartment house area 88 per cent is within the 1000 square foot or small apartment area class and only 12 per cent is in the 500 square foot and unrestricted area classes that permit the congested tenement, the medium size apartment house and the elevator apartment house. Adequate areas are provided for the comparatively small number of large apartment houses that will be needed while at the same time the extension to new areas of the excessive tenement house congestion now existing in a few sections of the city will be effectively prevented.

PERCENTAGE OF LOT OCCUPANCY.

In all residence districts, the percentage of the area of the lot that may be occupied by buildings is specified. In a dwelling house district no building shall occupy more than 50 per cent of the area of an interior lot or more than 60 per cent of a corner lot and in apartment house districts, except when within an unrestricted area district, buildings may not occupy more than 60 per cent of the area of an interior lot or 75 per cent of a corner lot. In unrestricted area districts apartment houses may occupy 70 per cent of the area of an interior lot and 85 per cent of a corner lot. One story buildings or portions of buildings, covering not to exceed 10 per cent of the area of the lot, and unenclosed porches are not included in determining the percentage of lot occupancy.

SIDE AND REAR YARDS.

Except in an unrestricted area district, side yards of a minimum width of 3 feet are required for all buildings erected in dwelling house or apartment house districts. At least 20 per cent of the width of an interior lot is required to be devoted to side yards, but the sum of the widths of the side yards need not be more than 16 feet. For an apartment house or any other building exceeding two and one-half stories in height the width of each side yard must be not less than one-sixth of the height of the building. In both dwelling house and apartment house districts the depth of



The Small Store Intrudes and Projects Out to the Street Line

the rear yard must be at least 15 per cent of the depth of the lot except that in the case of any building more than two and one-half stories in height the depth of such yard must be one-half the height of the building, but such depth need not exceed 20 feet in any case. Forty per cent of the area of a rear yard may be occupied by a one-story private garage or other accessory building under restrictions as to size and location.

Side yards are needed to maintain a minimum distance between buildings and to provide a fair division of light and air between neighboring buildings in residence districts. Light and air are essential for health and comfort and each building should contribute its fair share to the light, air and open spaces of the entire block. Yards, making a more open development, will so greatly aid in preventing the spread and in facilitating the fighting of fires that the proposed requirements are undoubtedly reasonable and amply justified.

FRONT YARD LINES.

Front yards are required for all buildings erected in dwelling house or apartment house districts. In general when 20 per cent or more of the frontage in a block is improved with buildings, the alignment of the existing buildings is made the front yard line. Where the

frontage in a block is not sufficiently built up to establish an alignment, the front yard line is back from the street line a distance equal to 20 per cent of the average or normal depth of the lots in the block. In no case, however, is the front yard line more than 25 feet back from the street line in a dwelling house district, or more than 15 feet in an apartment house district. Along the side line of a corner lot the yard line is back from the street line a distance equal to 10 per cent of the width of the lot but not more than 10 feet. An unenclosed porch may extend beyond the front yard line.

Front yards afford room for lawn and trees, keep the dwellings further from the dust, fumes and noise of the street and add to the attractiveness and comfort of a residential district. They create a better home environment and, by providing a greater distance between buildings on the opposite sides of a street, tend to reduce the fire hazard. The projection of a building beyond the front line of adjacent dwellings cuts off light and air. A home owner should not be subjected to the danger of having his home pocketed between the projecting walls of neighboring buildings because he has built back fifteen or twenty feet from the street. Where not excessive, the existing building line should be maintained.

RESIDENTIAL DEVELOPMENT PLAN.

In order to give opportunity for any type of housing development that is consistent with the public interest, the ordinance provides that the owners of two acres or more of land may present to the board of review a plan for the development of such area for residential purposes and the board of review may authorize such modification of the zoning regulations as may be essential to the carrying out of such residential development plan. It is provided, however, that the number of families to be housed on the entire area may not exceed for such area the limit prescribed by the lot area per family requirements and that the appropriate use of adjacent property shall be fully safeguarded.

BUSINESS DISTRICTS.

In business districts, the usual uses found in the central business section or in local business centers, including retail stores, small shops for custom work, theatres, restaurants, offices, etc., and all buildings and uses authorized in residence districts, are permitted. Job printing, newspaper printing, storage and limited light manufacturing are permitted in the central business district and in other business districts when more than 200 feet distant from residence districts. Provision is made for a large expansion of the central business district and for adequate business areas to serve local needs in every part of the city. Fourteen per cent of the total area of Providence has been included in the business districts. This is three and one-half times the area now devoted to business uses.

The proposed business districts include the following:

(1) All of the central business area that has a uniform business development and also considerable adjacent territory not largely devoted to business at present but needed for the future expansion of the main business district.

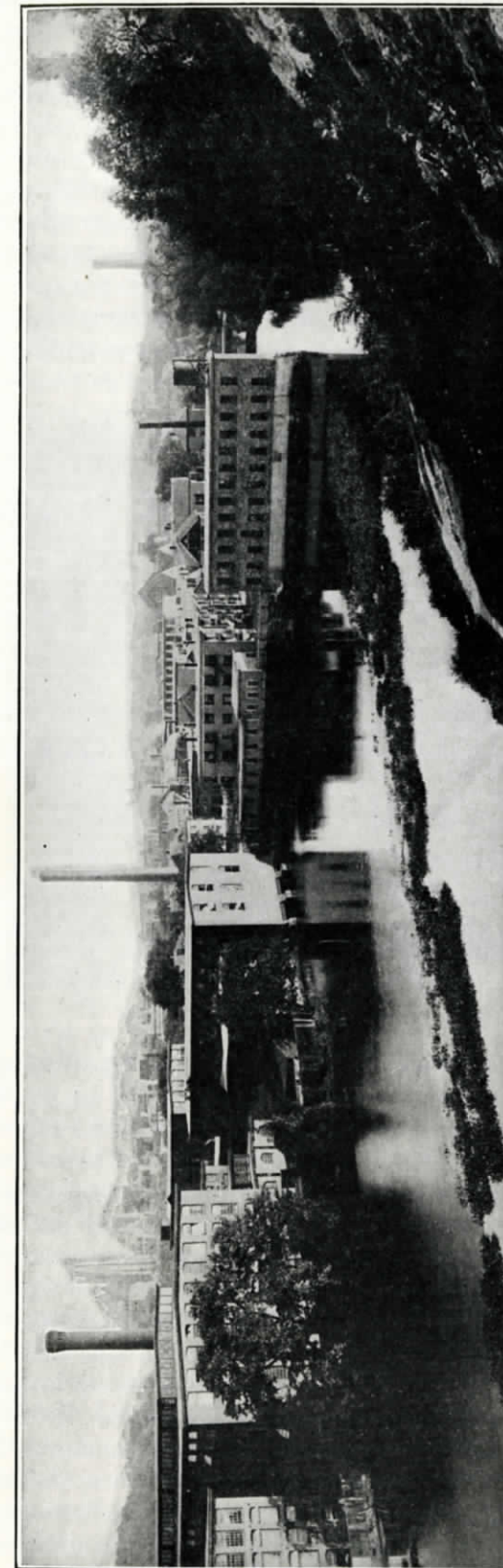
(2) Traffic streets or car line streets that are now largely used for business purposes or are spotted with stores and will not be benefited by being restricted against business use, or that will be needed to provide for business expansion.

(3) Local business centers and portions of streets where stores are now located and supplemental centers at convenient locations throughout the residence sections.

The amount of area required for local store purposes in residential sections differs with the probable density of population and the economic conditions and habits of the people residing in the various sections. Generally speaking, the smaller the average income per family the larger the proportion that will be spent in the purely local stores and the greater the number and the variety of shops required to satisfy local needs. In the apartment house and tenement house sections much more store area is required than in the dwelling house sections. This is due both to the increase in the variety of shops required and to the greater density of population. In strictly dwelling house sections the best development usually comes from having small business centers located about every half mile in each direction. Five hundred to 1000 feet of frontage at approximately half mile intervals will normally supply adequate business locations for the needs of a dwelling house section.

INDUSTRIAL DISTRICTS.

Two classes of industrial districts are provided. Any building or use authorized in a residence district or a business district is permitted in any industrial district. In the first industrial district ordinary manufacturing and general industrial uses are permitted but certain semi-nuisance industrial processes and plants are excluded and are required to locate in the second industrial district. These processes and plants for which the second industrial districts are especially designed, are certain chemical plants, gas plants, boiler making, structural iron works, power forge, petroleum storage, etc. In these industries the objectionable feature, usually smoke, noise, dust, fumes, gas or vibration, extends up to a quarter of a mile from the plant. Such uses are objectionable when located in the midst of strictly non-nuisance plants and are seriously injurious to residence sections when located near by. Providence is fortunate in having few industries of an offensive character. More than 95 per cent of the industrial plants of Providence come within the list of



A Typical Plant of the Textile Industry in Providence

uses permitted in the first industrial districts and it has not therefore, been necessary to provide extensive areas for the second industrial uses. The only second industrial district provided is established in the low section along the Providence River from Elm street to Ernest street where practically all of the second industrial uses in Providence are now located. Existing use, rail and water transportation, topography, distance from residence districts and prevailing winds make this the most suitable and least objectionable location for industrial plants of the type for which the second industrial district is designed.

Certain uses, the objectionable features of which extend a half mile or more from the plant, are excluded from the present city limits. These prohibited uses include; petroleum refining; smelting of copper, tin, zinc or iron ores; nitric, picric, or sulphuric acid manufacture; cement, lime, gypsum or plaster of Paris manufacture; abattoirs, stock yards, glue manufacture; fertilizer manufacture; or the manufacture or storage of explosives. The location of industries of the nuisance type in close proximity to other industries of the non-nuisance type is distinctly injurious to the labor supply of the latter industries. Workmen do not wish to work or to have their homes located near an area that is affected by the noxious fumes and odors of one of these nuisance industries. Manufacturers are finding that they need the benefit of zoning regulations in order to control the location of the nuisance type of industry.

One-fourth of the total area of Providence is included in the proposed industrial districts. This is almost three times the area now devoted to industrial purposes and thus allows liberally for expansion.

The industrial districts include: areas along rail and water transportation now generally used for industrial purposes; lands without transportation facilities but where an industrial section of sufficient importance now exists and is permanently established; lands contiguous to industrial sections or determined industrial districts that are blighted and will not benefit by being restricted to residential uses; undeveloped areas, with or without transportation facilities, that are not spe-

cially adapted for residential purposes on account of location or topography but that may be devoted to industrial use without material injury to contiguous residential sections now established; and areas that are now devoted principally to a mixed residential use, but in which there exist detrimental elements in the way of scattering stores, shops, manufacturing plants, etc., and that are contiguous to railroads, existing business centers or industrial sections.

PRIVATE GARAGES.

In a residence district, a private garage as an accessory to a dwelling house may pro-

vide storage for one car for each 2000 square feet of lot area. Storage for two cars, however, is permitted as an accessory on any lot though less than 4000 square feet in area. As accessory to an apartment house, storage may be provided for one car for each family for which the apartment house is arranged up to a maximum of 10 cars. In a private garage, not more than one commercial motor vehicle may be housed and space for not more than two non-commercial vehicles may be rented. Except as an integral part of the main building, a private garage may not be erected nearer than 20 feet to a street line.

PUBLIC GARAGES.

A public garage with repair facilities may be located in an industrial district. A public

garage without repair facilities may be located in a business district. No public garage for more than 10 cars and no garage repair shop is permitted to have an entrance or exit within 50 feet of a residence district or within 200 feet of the entrance or exit of a school, playground, public library, church, hospital or children's home. In business districts, all entrances and exits of a public garage are required to have a width of 12 feet and no opening in a wall or roof of a public garage, a garage repair shop or a motor vehicle repair shop in any district is permitted within 15 feet of any adjacent property that is located in a residence district. A garage repair shop, designed to make ordinary repairs to motor vehicles and in which the mechanical power employed is limited, may be located in a business district; but not within 200 feet of a residence district except on special permit by the Board of Review after public notice and hearing. A motor vehicle repair shop, designed and equipped to make major structural repairs to motor vehicles, is not permitted in any business district but is required to locate, as a machine shop, in an industrial district. It is also provided that a community garage may be located in a residence district on special permit by the Board of Review after public notice and hearing with the consent of the owners of 60 per cent of the property affected by such garage.



It is Not a Hardship for Stores in Local Business Centers to Observe the Front Yard Line

Suitable and convenient locations should be provided for all uses that are not public nuisances without being required to secure a special permit or subjected to the protests of neighboring owners. An arrangement which requires that many of the applications for permits to erect private garages and all applications for permits to erect public garages must be acted upon by the city council places an unusual and burdensome duty upon the council and its garage committee and inflicts considerable annoyance and hardship on the applicants as well. The regulations and restrictions proposed will obviate the necessity of special permits in all but the exceptional cases and it is believed will at the same time safeguard the interests of all concerned to a fair and reasonable degree.

AREA REQUIREMENTS IN BUSINESS AND INDUSTRIAL DISTRICTS.

The area regulations specifying the number of square feet of lot area per family are also applied to business and industrial districts. All residence buildings erected in business and industrial districts are required to observe the lot area per family regulations. The business districts near the center of the city and along some of the main thoroughfares are placed in 500 square foot districts permitting a development corresponding to that of the medium size apartment house districts. Along other thoroughfares, business districts have been placed in 1000 square foot districts; and in local business centers that are surrounded by dwelling house districts, the 2000 square foot requirement is usually applied. In the industrial districts near the center of the city and in certain other sections, the 1000 square foot district is applied permitting an intensity of residential development corresponding to that of the small apartment house districts. Industrial districts, farther away from the center of the city have been placed in area districts requiring 2000 square feet of lot area per family. As industrial districts are in general undesirable for residence purposes the strict limitation of intensive housing therein is very important in preventing the development of bad housing or slum conditions.

The percentage of the area of the lot that may be occupied by buildings in business dis-

tricts is not generally limited. A building used as a residence for more than one family, however, shall not occupy above its ground story more than 70 per cent of the area of an interior lot or 90 per cent of a corner lot. In small local business districts that are entirely surrounded by residence districts, a building on a lot adjoining a dwelling house or an apartment house district shall not cover more than 80 per cent of the area of the lot. In other business districts, where a lot adjoins a residence district a building shall not occupy more than 90 per cent of the area of the lot above its ground story. With the above exceptions, the percentage of the area of the lot that may be occupied in business districts is not limited. In industrial districts, the zoning regulations do not limit the percentage of lot occupancy.

Side and rear yards are not required in business and industrial districts. Front yards are required only in certain small local business districts that are surrounded by residence districts. In order to protect the adjacent residence areas, the business buildings in the local business centers are required to observe the front yard regulations of the adjacent residence districts.

HEIGHT DISTRICTS.

The entire city is divided into 4 classes of height districts in which the building height is respectively 50 feet, 75 feet, 100 feet and 125 feet. It is provided, however, that within a 50-foot height district that is located within a dwelling house district, no dwelling house may be erected to a height in excess of 35 feet. The above limits fix the height of a building at the property line. After reaching the prescribed limit at the property line, the building may be built higher if such higher portion is recessed or stepped back from all property lines, i. e., the set back must be from the side and rear lines of the lot as well as from the street line. In the 50-foot and 75-foot districts the set back must be 1 foot for each 2 feet of additional height. In the 100-foot and 125-foot districts the set back must be 1 foot for each 3 feet of additional height. If the building is in a dwelling house or apartment house district the set back must be from all required front, side and rear yard lines in-

stead of from the property lines. It is also provided that the Board of Review may permit a tower covering not more than 25 per cent of the area of the lot to be erected to any height. These set back and tower provisions are intended to give a certain amount of freedom in the design of buildings while at the same time adequately protecting the rights of adjacent owners and the public by maintaining a proper angle of light down into the streets and into adjacent courts and yards.

The 125-foot district includes the present central business section. The 100-foot district includes the business and industrial districts surrounding the central business section. The 75-foot district includes the business districts along some of the main thoroughfares and areas adjacent to the 100-foot district, most of the industrial districts and a limited portion of the more intensive apartment house districts. The 50-foot districts include all of the dwelling house districts, most of the apartment house districts and the local business districts. It is provided that grain elevators, gas holders and other industrial buildings requiring a greater height for the normal operation of the industry may be erected to a height in excess of 75 feet, or the height limit provided, with the approval of the Board of Review.

The 125-foot height limit in the central business section provides for the ordinary 10 story building. The average street width in this section is about 50 feet. A height of 125 feet is $2\frac{1}{2}$ times the width of a 50 foot street. Good natural light in offices cannot be obtained where buildings are built to a height of more than $1\frac{1}{2}$ or 2 times the width of the street. There is a common stock of light and air and this should not be monopolized by a few excessively high buildings. Fifth avenue in New York City is 100 feet wide and under the New York zoning, buildings on Fifth avenue are limited to a height of $1\frac{1}{4}$ times the width of the street or 125 feet, with permission to build higher under the set back principle. Boston adopted a flat height limit of 125 feet in 1904. Conditions in Providence as to street widths and traffic are comparable to those of Boston. The proposed Providence limit of 125 feet is more liberal than the pres-

ent Boston limit in that it permits greater height with a set back and makes provision for the erection of tower buildings in appropriate cases.

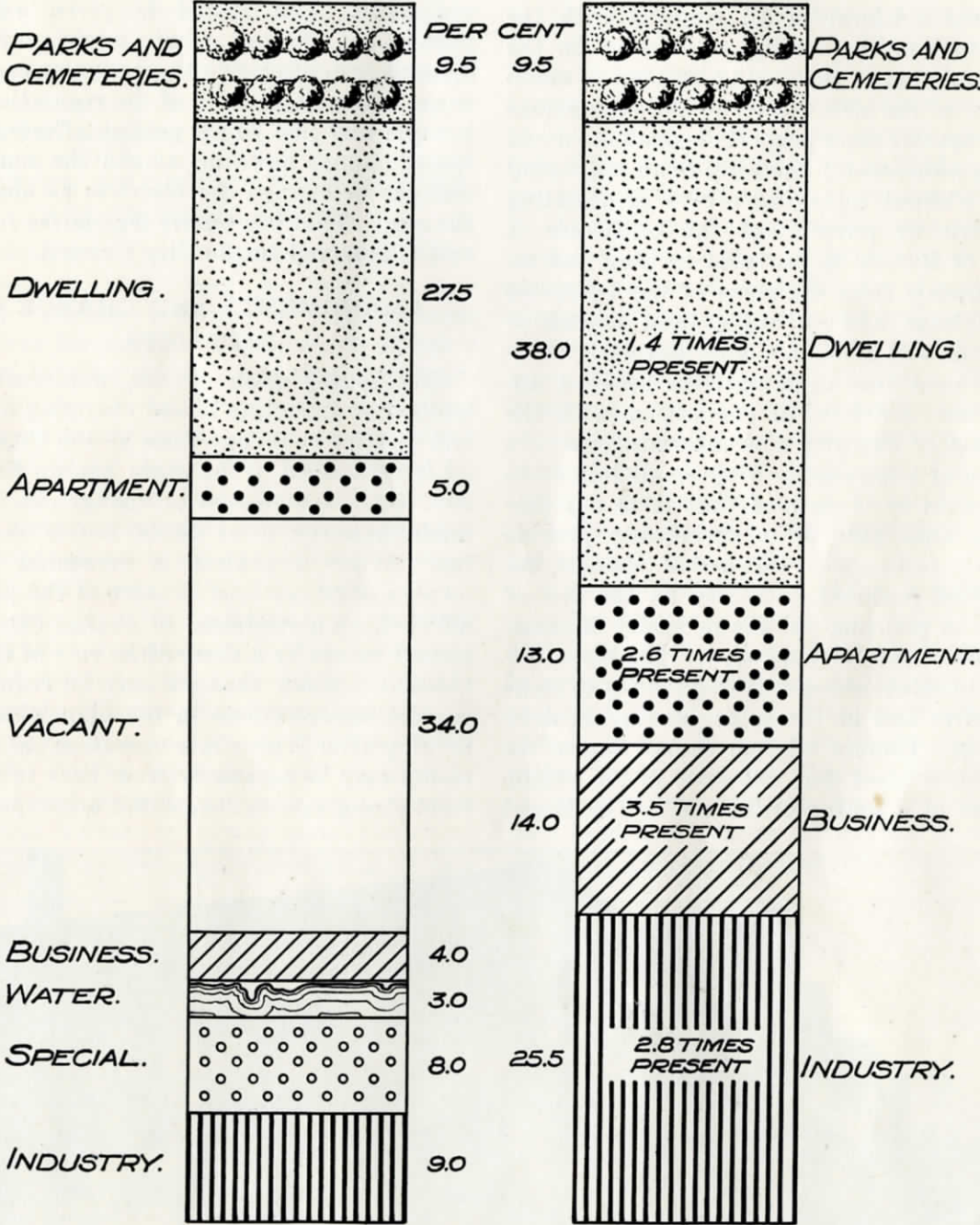
NOT RETROACTIVE: NONCONFORMING USES.

The zoning ordinance is not retroactive and therefore does not affect existing uses or buildings. A use or building that does not comply with the regulations of the use district in which it is situated at the time of the passage of the zoning ordinance is called a nonconforming use. Such uses and buildings may continue after the passage of the ordinance. If, for example, a store or other business is being carried on in a building which is situated in a block that under the zoning ordinance is included in a residence district, the building may remain and the business be continued as a nonconforming use after the passage of the zoning ordinance. It is expected that eventually nonconforming buildings will tend to become conforming, but in order that zoning may not depreciate but conserve the values of all existing buildings, it is provided that an existing building which is used for a purpose that does not conform with the regulations of the district in which it is situated may be reconstructed or altered to an extent not exceeding in aggregate cost, during any 10-year period, 60 per cent of the assessed value of the building and, if destroyed by fire, may be rebuilt.

PRIVATE RESTRICTIONS NOT IMPAIRED.

The zoning ordinance does not impair or interfere with any existing covenants or agreements between parties. The restrictions in deeds and private covenants relating to the use of land are not abrogated or annulled but remain in full force and effect. Where the zoning ordinance, however, imposes a greater restriction upon the use of buildings or land or requires larger lots or yards, the provisions of the zoning ordinance control. Private restrictions may properly be employed after its passage to supplement the zoning regulations and provide additional restrictions that are not permissible as police power regulations.

A COMPARISON OF AREAS.
PRESENT USE. ZONING DISTRICTS.



The above diagram is a comparison of areas in existing uses with areas in the different use districts proposed in the tentative zoning plan.

Of the total area in proposed dwelling house districts, 24 per cent. is in 4,500 area districts and 76 per cent. in 2,000 area districts.

Of the total area in proposed apartment house districts, 88 per cent. is in 1,000 area districts and 12 per cent. in 500 and unrestricted area districts.

ENFORCEMENT: BOARD OF REVIEW.

The zoning ordinance will be enforced through the Inspector of Buildings. No permit for the erection or change of a building will be issued unless the building and its proposed use conform in all respects with the regulations of the zoning ordinance. In the administration of the zoning ordinance, modifications of the strict letter of the regulations may in special cases properly be made to avoid causing unnecessary hardship to an individual owner without injuring others or violating the spirit or purpose of the ordinance. A Board of Review is provided to hear and review appeals from decisions of the Inspector of Buildings and to adjust and determine cases that will arise in connection with buildings or uses near dividing lines between different use districts, in connection with the extension of existing nonconforming uses, in the case of irregular or very small lots or in other cases or situations that it is not possible to anticipate or to specifically provide for in the ordinance. Edward M. Bassett, the recognized national authority on the law of zoning, in pointing out the necessity of creating a Board of Review, says: "The main difficulty in establishing a zoning plan is to make it effective and at the same time avoid arbitrariness. Human wisdom cannot foresee the exceptional cases that can arise in the administration of a zoning ordinance." The Board

is therefore given certain specified and limited discretionary powers and is authorized, after public notice and hearing, to make minor modifications and exceptions in the application of general regulations established by the ordinance. The Board is given sufficient power to prevent what might otherwise amount to confiscation in particular cases and to make the application of the regulations reasonable and just to all parties affected. The Board cannot however amend the zoning ordinance or change the districts as shown on the map. That is a purely legislative function and is reserved to the City Council.

AMENDMENTS AND CHANGE OF DISTRICTS.

The zoning plan is not unalterable. A method of amending it and changing districts and district boundary lines by the City Council is prescribed in the State Zoning Enabling Act. Such amendment or change can only be made, however, after public notice and hearing. When a protest is presented by the owners of 20 per cent or more of the property affected, an amendment or change can not be passed except by a three-fifths vote of the City Council. Minor changes may be required to correct imperfections in the plan which may develop after it goes into operation; or amendments may be necessary from time to time to meet changing conditions that accompany city



A Soap Works and Residences Side by Side

growth. The zoning plan as adopted should, however, be permanent in the main and amendments or changes should only be made after careful investigation and consideration has shown them to be reasonable and in the interest of all concerned including the general public. A zoning plan should have such stability that it cannot be changed too easily and such elasticity that changes may be made when a real necessity arises.

RELATION OF ZONING TO BUILDING AND HOUSING CODES.

Building codes and housing codes differ from zoning ordinances in function and method. Except for special requirements within the fire limits, the regulations of building and housing codes are general throughout a city for all buildings of the same class or type of construction or occupancy. They are designed to secure the safety of the occupants of buildings from the dangers due to faulty design, structural weakness, improper material, inadequate safety provisions and unsanitary conditions within buildings.

In contrast with building and housing codes, a zoning ordinance divides a city into different districts, provides different regulations for the different districts and applies the same regulations to like districts wherever situated. Zoning regulations are designed to conserve and promote safety, health, comfort or general welfare by giving protection from other buildings that would be inappropriate

in character or injurious in use. They specify locations by districts for all buildings based upon the purposes for which they are to be used. Their requirements for yards and open spaces about a building are in the interest of a fair division of light and air between adjoining buildings. Side, rear and front yards in residence areas are required for the mutual benefit of all owners and are therefore a part of the zoning, while inner courts are established for the lighting of an individual building and are therefore left to the housing code. In the business and industrial areas the provision of courts and yards is almost exclusively a matter of the lighting and ventilation of the individual building and is therefore left to the building code. Zoning specifies maximum height limits for different districts. These may not be exceeded but building code regulations, based upon construction and fire hazard, may prohibit buildings of a certain class of construction (e. g. frame buildings) from being erected to the height limit permitted by the zoning ordinance.

A zoning ordinance, a building code and a housing code supplement each other. In general it is the function of a zoning ordinance to assure the harmonious and appropriate location of buildings by districts, of a building code to assure the safe construction and sanitation of all buildings and of a housing code to assure good health conditions within buildings used in whole or in part for residential purposes wherever located.



The Three-deckers

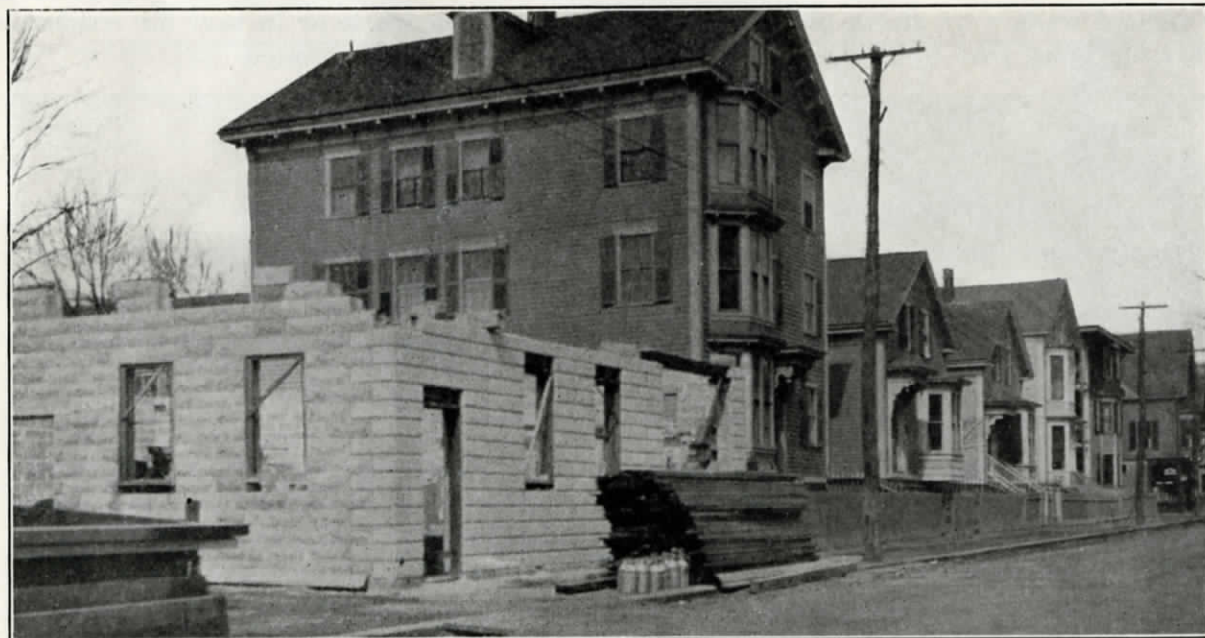
Providence Has Much to Gain by Zoning

THERE are few who will hold that it is too soon for Providence to adopt the zoning method of city development; many will regret that it has been so long delayed; and some will assert that it is too late. Undoubtedly much injury and loss could have been avoided, especially in the past ten years, with a zoning ordinance in effect, but that which is past is of small moment compared with the damage that will be prevented and the benefits and advantages that will accrue in the many years that are yet to come.

The transformation that has occurred on thorofares that formerly were fine residence streets has been much lamented but this was in large part inevitable as they were destined by location and service ultimately to become business streets. A zoning ordinance would not permanently have prevented this change from residence to business use but it could have controlled the transformation, by opening them by sections as needed, and thereby have saved a great loss in building values. More serious, though less apparent to the casual observer, is the injury that has occurred where inappropriate buildings and uses have inexcusably intruded into sections where those damaged have no prospects of se-

curing compensating benefits for loss sustained. Here and there, in many blocks and in various sections, the three decker, the apartment house, the sporadic store, the smelly laundry, the noisy shop, or the offensive manufacturing plant, without consideration for the neighborhood, often against its protest, and always unwelcome, have built their buildings and carried on their business.

A very small proportion however of all the stores, business, manufacturing and industrial plants in Providence are misplaced and a comparatively small part of its residential area has been seriously or permanently damaged by invasions. On the whole, Providence is unusually fortunate in having largely escaped the injurious effects of the haphazard way of development that have been suffered by some other cities where nearly every block has its store or other misplaced use. Numerous residential blocks and many large residential areas are entirely free from intrusions. In many others, they are of a minor character, such as three deckers in dwelling house sections. Where industry has located away from transportation and its natural locations, it has generally grouped and caused less damage than if each one had sought a site apart.



A Milk Distributing Station Going Up



Zoning Will Assure the Permanency of a Uniform Development

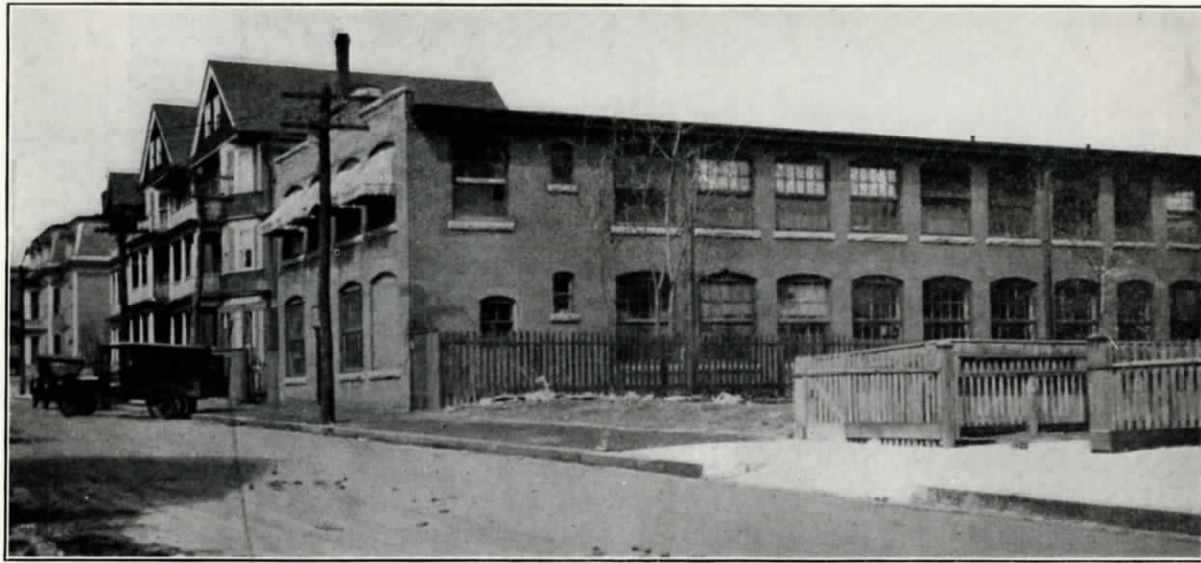
Business has generally followed thorofares or car line streets. As a result of these tendencies, the number of non-conforming uses in Providence under the proposed zoning plan are fortunately small as compared with many other cities.

The northwest section which contains the largest undeveloped area in the city is especially adapted for dwelling house purposes. Its elevation, good air, and freedom from the noise and smoke of industry will make it an attractive residential section when the character of its development has been made more certain by zoning. Dwelling house districts in different parts of the city, now generally built up with one and two family dwellings, can be so maintained to their advantage and to the benefit of the community.

There should be in every city ample areas where single family dwellings may be erected and homes established secure from encroachments not only of stores, apartment houses and three deckers, but where the two family dwellings will not be numerous. These home owning neighborhoods should not all be where lot values are high, but the advantage of establishing homes in such neighborhoods

should be open also to families of moderate means. The creation of single family and therefore home owning districts is an aid to good citizenship and to civic welfare. The area included in districts requiring 4500 square feet of lot area per family and designed for single family homes, does not embrace nearly as large a proportion of the residence area of the city as would be desirable. This lack can, however, be at least partially corrected if the suburban communities immediately adjacent to Providence will through zoning regulations set aside large areas for single family development.

The oldest residential section, the east side hill, has succeeded in preserving its character to a greater degree probably than any similar section in any other large city, situated as it is within a seven-minute walk of the very heart of the main business district. This has been made possible by the steep grades of all streets leading to it from North Main street—the original business street of old Providence. It has had a natural barrier. Business followed the line of least resistance and extended over the level land to the west. The east side hill constitutes a unique and distinctive fea-



Zoning Will Keep Laundries and Shops Out of Apartment House Districts

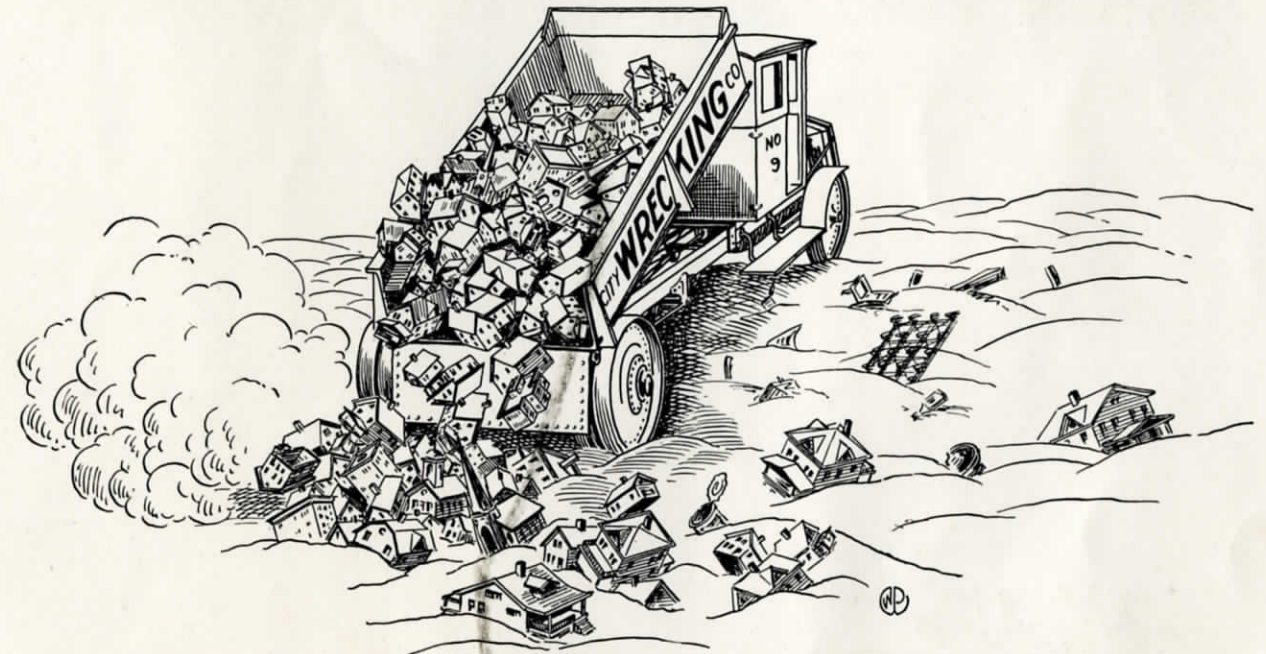
ture of Providence, not only because a dwelling district so near the heart of the city is unusual, but also because of its many old colonial homes of the best types of architecture of that period now remaining. It is not immune however from invasion; it is now being attacked from the flank, rear and center, and unless these attacks are checked, they will gradually, but with an accelerating speed, accomplish its disintegration. The preservation of its character and the encouragement of a similar type of development is important, not only for civic and economic reasons, but because it is an obvious community asset.

The need of all residential sections for protection and for the preservation of their uniformity and integrity is urgent to check and repel the advance of antagonistic invasions. The three decker and the apartment house menace every dwelling house neighborhood in Providence, and the apartment house districts are threatened by stores and factories. The march of progress cannot be, and should not be, halted or impeded but it can be, and should be, regulated and directed. Growth need not be destructive and can be made constructive. New development need not injure existing development, but should benefit it and the entire community.



Zoning Will Preserve the Integrity of All Home Neighborhoods

WASTE IN CITY BUILDING !



Owing to haphazard city growth
hundreds of perfectly good buildings
go to the dump each year .