

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2003-28

### No. 280 AN ORDINANCE

IN AMENDMENT OF CHAPTER 27 OF THE ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED " THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED. (Historic Trees)

Approved May 2, 2003

### *Be it ordained by the City of Providence:*

**Section 1:** The Following section shall be added to the Providence Zoning Ordinance:

**Section 425 – Landscaping and Tree Preservation:** Open space within lots and outdoor parking areas shall be landscaped with trees, groundcover and shrubs to enhance the environmental and aesthetic quality of the City and to reduce the visual impact of parking areas from the public right-of-way and from adjoining properties. This article regulates the quantity and location of landscaping on all lots in all Zoning Districts except for the D-1 Zoning District, which has separate landscaping provisions in Section 502.2.

425.1 – Quantity of Trees Required: Sufficient trees shall be planted on a lot so that the square footage of vegetative canopy of such trees, when mature, equals a certain percentage of the square footage of the lot. This required percentage varies by Zoning District and is listed in Section 425.1 A). The total canopy coverage for a lot is the sum of the canopy, at maturity, of the individual trees located on the lot. The square footage of canopy cover varies according to tree species and is shown in the table in Section 425.1 B). Street trees located in the public right-of-way directly adjacent to the property line of the lot may be counted toward the canopy coverage for the lot. For developments that encompass more than one lot, the percentage shall be calculated for the total canopy for the total area of all of the lots. Where existing conditions or other provisions of this Ordinance make it impracticable to meet the canopy coverage requirement on or adjacent to the site, the applicant shall plant sufficient trees to make up the shortfall in public rights-of-way within ¼ mile of the lot(s), with the location to be determined by the City Forester for the City of Providence.

A) Quantity of Trees by Canopy Coverage: The percentage of canopy coverage required for each zone is listed as follows:

- 1) R, PS, OS, CD and W-1 Zones: 25% of the square footage of the lot.
- 2) D-1 Zone: See Section 502.2 for landscaping requirements.
- 3) All Other Zones: 15% of the square footage of the lot.

B) Canopy Coverage by Tree Size: The City Forester shall maintain a list of trees species and the expected size of the canopy for each species, at maturity, when planted in Providence. Trees shall be classified as small, medium or large and the canopy coverage for each is as follows:

Tree Size	Canopy Size (sq. ft.)
Large	1,000
Medium	700
Small	300

No.

CHAPTER  
AN ORDINANCE

CITY COUNCIL

SEP 19 2002

FIRST READING  
SENT TO COMMITTEE ON  
ORDINANCES

Michael R. Clement  
ans

THE COMMITTEE ON

Ordinance

Recommendation

Ann M. Stebbins  
CLERK

11-13-02

2-15-03

2-19-03

Schedule P Hearing

THE COMMITTEE ON  
ORDINANCES

Approves Passage of  
The Within Ordinance, As Amended

Ann M. Stebbins  
CLERK

3-19-03

Councilwoman Williams

425.2 – Location of Trees and Landscaping for Parking Areas- Five or More Vehicles: The following requirements are for principal or accessory use parking areas for five or more vehicles, regardless of zone. Any trees planted pursuant to this Section shall be included in the quantity required for Section 425.1.

A) Parking Areas Abutting Public Rights of Way: For parking areas that abut public rights of way, there shall be a planted strip, at least five feet wide, along the entire length of the border between the parking area and the right of way. At least one tree shall be planted in this strip for every 20 linear feet of frontage. These trees shall be large, medium or small trees, as classified in Section 801.2. The planted strip shall include grass, perennial plantings, or a combination of both, and may also include annual plantings.

B) Internal Planting in Parking Areas: Where trees are planted in the interior of parking areas, they shall be located within islands that are curbed to prevent damage from automobiles.

C) Parking Areas Abutting Lots in R Zones: Where a parking area in any zone adjoins a lot in an R Zone, the parking area shall be screened by a solid wall, a uniformly painted tight board fence, or a hedge of compact evergreens or other suitable plantings. Such screen shall be at least four feet in height, and shall be erected and maintained between the entire border of such parking area and the property in the R Zone.

425.3 Land Adjacent to Water Bodies: Where a water body exists on or adjacent to a lot or development, there shall be a vegetated buffer, at least 20 feet wide, adjacent to the entire length of the water body. This buffer shall include trees and plant material that will filter stormwater runoff and help to improve the quality of the water body. No parking or buildings are permitted within this buffer. However, a walking path or bicycle path may be included within this buffer.

425.4 - Maintenance: All landscaped areas shall be maintained. This shall include replacement of dead or damaged plant material; the furnishing and installation of mulch; weeding; mowing of grass; cleaning of litter; or any other action deemed necessary by the Director to insure that the requirements of this section are met. Failure to maintain a landscape area shall be deemed a violation of this ordinance.

425.5 – Non-conformance: Lots or developments that contain less than the canopy coverage required by Section 425.1 A) on the date of enactment of this Article shall be considered legal but non-conforming to the dimensional requirements of this Section.

A) Reduction of Canopy Cover for Non-conforming Lots or Developments: For lots or developments that are non-conforming as defined in this Section, improvements to the property that cost less than 50% of the assessed value of the property and that reduce the canopy cover shall require either replacement in-kind of the canopy lost or a dimensional variance. Improvements to the property that cost more than 50% of the assessed value of the property and that reduce the canopy cover shall require either full compliance with the canopy coverage requirements of Section 425.1 A) or a dimensional variance.

B) Reduction of Canopy Cover for Conforming Lots or Developments: For lots or developments that conform to the dimensional requirements of this Article, any action that reduces the canopy cover below the percentage required by Section 425.1 A) shall be considered a dimensional nonconformance and shall require either replacement in-kind of the canopy lost or a dimensional variance.

425.6 – Removal of Significant Trees: No Significant Tree, as defined in Section 1100.156 shall be removed without the prior permission of the City Forester for the City of Providence.

A) Application: Any person wishing to remove a Significant Tree shall file a request to do so with the City Forester.

B) Required Findings for Approval: In order to grant permission to remove a significant tree the City Forester must make one or more of the following findings within 30 days of receipt of the application:

- 1) The tree is in poor health or diseased with an expected life span less than two years as determined by a licensed arborist, landscape architect, or professional forester.
- 2) The removal of the tree is unavoidable because the tree poses a danger to human safety, health and welfare.

C) Required Findings for Denial: In order to deny permission to remove a significant tree the City Forester must make none of the findings in Section 425.6 A) and one or more of the following findings within 30 days of receipt of the application:

- 1) The tree to be removed is of a species listed on the Rhode Island list of endangered species or trees of special concern.
- 2) The tree removal will have significant negative effects upon erosion potential and drainage patterns in the vicinity.
- 3) The tree removal will have significant negative effects upon public health, safety, and welfare.

D) Replacement of Canopy: Any person who removes a significant tree shall be required to replace the square footage of canopy lost due to the removal.

425.7 – Tree Pit Design: Trees shall be planted according to the standards adopted by the Providence City Forester.

425.8 – Tree Size at Planting: At planting, trees shall be at least two inches in caliper.

425.9 – Tree Pruning: Nothing in this Article shall be construed to prevent tree pruning to promote the health of a tree or for public safety purposes.

**Section 2:** Eliminate Sections 505.2 B), 506.3 D) 2, 506.6 C), 507.3 D) 2, 507.6 C), 705.6, and 705.7.

**Section 3:** Modify Section 502.2 D) as follows:

Landscaping - Lot Frontage: Landscaping shall be provided between parking lots and any adjacent public street, walk or right of way, shall be approved by the DRC and shall be maintained in accordance with Section 425.4.

**Section 4:** Add to Definitions in Article X:

1100.156 Significant Tree: Any tree that measures 32 inches or more in diameter at 4 ½ feet above the ground.

**Section 5:** This Ordinance shall take effect upon passage.

IN CITY COUNCIL  
APR 3 2003  
FIRST READING  
READ AND PASSED

*Michael B. Clement* CLERK

APPROVED

*[Signature]*

MAYOR

5/2/03

IN CITY COUNCIL

APR 22 2003  
FINAL READING  
READ AND PASSED, AS AMENDED

*[Signature]*  
PRESIDENT  
*Michael B. Clement*  
CLERK