

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2003-29

**No. 281**                    **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.  
(Technical Amendments)

*Approved* May 2, 2003

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

Section 1: Chapter 27 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is hereby amended by changing the following text in Articles 2, 3, 7, 8, and 10 (the text to be removed is crossed out; the new text is underlined):

A. In Article 2:

201.7 - Intensification: A nonconforming use of a building, structure or land shall not be intensified in any manner. Intensification shall include, but not be limited to, increasing hours of operation, increasing the number of dwelling units, increasing the number of parking spaces, or increasing the seating capacity of a place of assembly. However, this section shall not prohibit the reconfiguration of existing dwelling units within a building or structure so long as such reconfiguration complies with the requirements of Section 201.6.

B. In Article 3:

#### 304.1 – Footnotes for Dimensional Regulations – Residential Districts

1. Height may be increased to three stories not to exceed ~~forty (40)~~ feet provided each required side yard is increased one foot for each ~~three (3)~~ feet in height above two stories or 30 feet, whichever requires the greatest increase.
2. Each side yard must be increased by one (1) foot for every ~~three (3)~~ feet in height over the second story or over 30 feet, whichever requires the greatest increase.
3. A lot of less than 12,000 square feet and more than 9,999 square feet may be divided into lots containing not less than 5,000 square feet each and having a width of not less than 50 feet each, ~~and one dwelling and having a width of not less than 50 feet each.~~ and one dwelling unit may be erected on each lot. If a lot contains more than 12,000 square feet and if after division into as many 6,000 square feet lots as possible, there remains a lot of 5,000 square feet or more, one dwelling unit may be erected on such remaining lot provided the same has a width of 50 feet.
4. A rear yard may be reduced to not less than ~~twenty percent (20%)~~ of the lot depth, provided the front yard is extended so that the combined total of the front and rear yards is not less than ~~forty percent (40%)~~ of the lot depth.
5. Minimum of one Side Yard may be reduced to 4 feet if lot width is 45 feet or less.
6. Lot coverage on a corner lot may be increased an additional 5% of the lot area.
7. ~~In-ground and above-ground~~ pools shall not be considered when calculating overall lot coverage requirements stipulated in this code.

**Section 305 – Dimensional Regulations – Commercial, Industrial and Institutional I-1 and I-2 Districts:**

No.

**CHAPTER**  
**AN ORDINANCE**

CITY COUNCIL  
 JAN 16 2003  
 FIRST READING  
 REFERRED TO COMMITTEE

*Richard X. West*

THE COMMITTEE ON

*Ordinances*  
 Recomm. - *Con 'd*  
*Ann M. Stetson*  
 2-5-03 CLERK

- Schedule  
*P. Hug (3-19)*

*Ann M. Stetson*  
 3-19-03

*Councilwoman Williams, By Request*

	C- 1,2,4	M-1	M-2	I-1,2
Maximum Height	45 feet 3 stories	75 feet <sup>1</sup> 6 stories	90 feet <sup>1</sup> 7 stories	<del>35 feet</del> Varies <sup>2</sup> 2 stories
Minimum Lot Area	None <sup>3</sup>	None <sup>3</sup>	None <sup>3</sup>	N/A
Minimum Lot Area Per Dwelling Unit	1,200 sq. ft.	1,200 sq. ft.	N/A	N/A
Minimum Lot Area Per Rooming Unit	400 sq. ft.	None	N/A	N/A
Minimum Front Yard	<del>12' from face of curb</del> <sup>3,4</sup> 0 feet <sup>4, 10</sup>	0 feet <sup>3,4,5</sup>	0 feet	<del>12' from face of curb</del> 0 feet <sup>2,4,5</sup>
Minimum Side Yard	0 feet <sup>3,7,9</sup>	0 feet <sup>3,7,9</sup>	0 feet <sup>7</sup>	0 feet <sup>6</sup>
Minimum Rear Yard	0 feet <sup>3,8,9</sup>	0 feet <sup>3,8,9</sup>	0 feet <sup>8</sup>	0 feet <sup>6</sup>
Maximum Lot Coverage	None <sup>3</sup>	None <sup>3</sup>	None	None

305.1 – Footnotes for Dimensional Regulations – Commercial, Industrial, Institutional Districts:

1. Maximum height cannot exceed maximum height of any R-Zones which is not overlaid by an Institution Floating Zone within 150 feet of the structure.
2. The allowable height for any building in an Institutional Floating Zone shall be a function of the ~~open space~~ distance between the proposed building and the applicable ~~property and street lines~~ nearby residential zones. The allowable height for the entire building shall be determined in accordance with the most restrictive height calculated in accordance with the following requirements.
  - a. ~~Building Maximum~~ height shall be ~~limited to thirty (30)~~ feet whenever any part of the institutional building is located on a street line and the property on the opposite side of the street is in an R-zone and shall increase by one foot for every one foot setback from said street line up to a maximum height of ~~seventy five (75) feet/six (6) stories~~.
  - b. ~~Building Maximum~~ height shall be limited to ~~forty (40)~~ feet whenever any part of the institutional building is located ~~within thirty (30)~~ feet from the property line of a lot in an R-zone and shall increase by one foot for every additional one foot setback ~~from said property line up to a maximum of seventy five~~ 75 feet/six ~~(6)~~ stories.
  - c. In all other cases, building height shall not exceed ~~seventy five (75) feet/ six (6) stories~~.
  - d. Setback distance as outlined in a and b above are not required from lots in R-zones that are over-layed-laid by an I-zone.
3. When a lot is used solely for residential purposes, the ~~dimensional regulations of the R-M zone shall apply~~ minimum lot area shall be 5,000 sq. ft.
4. Where the block frontage is partly in a R-zone which is not overlaid by an Institutional Floating Zone, the front yard requirements of the R-zone shall apply.
5. Where the property on the opposite side of the street is in an R-zone which is not overlaid by an Institutional Floating Zone, the front yard requirements of the R-zone shall apply.
6. Where the lot abuts a lot in an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a minimum yard of 30 feet.
7. Where the side yard of ~~the~~ a lot abuts a lot in an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a side yard of not less than ~~4~~ four feet for each story of 12 feet in height, but such yard shall not be less than ~~six~~ 6 feet.
8. Where the rear yard of a lot abuts ~~upon~~ a lot in an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a rear yard of not less than ~~twenty percent (20%)~~ of the lot depth, maximum required need not exceed 20 feet.
9. In C and M zones, ~~where dwelling units are included in any building, such dwelling units shall not be less than six (6) feet from an interior lot line.~~ Reserved

10. In the C-1 and C-2 zones, building lines at street level shall be coincident with the lot line without setback and main entrances shall be oriented to face the street. On a lot with curved lot frontage, the building may be built to the chord or the tangent, whichever applies. Building fronts may incorporate articulations not to exceed two feet in depth. Such articulations shall not encompass more than 30% of the total building front.

**Section 306 – Dimensional Regulations – Downtown Districts:**

	<b>D-1 and I-3</b>	<b>D-2</b>
Maximum Height [Ord. 1995-8]	Varies with Subzone <sup>1,5</sup>	90 ft. /7 stories
Minimum Lot Area Per Dwelling Unit	250 sq.ft.	250 sq.ft
Minimum Lot Area Per Rooming Unit	None <sup>5</sup>	
Minimum Front Yard	0 ft. <sup>2</sup>	0 ft. <sup>2,4</sup>
Minimum Side Yard <sup>3</sup>	0 ft.	0 ft.
Minimum Rear Yard <sup>3</sup>	0 ft.	0 ft.

306.1 – Footnotes for Dimensional Regulations – Downtown Districts:

1. Maximum Height in the D-1 and I-3 Zones: The maximum height in the D-1 zone will be determined as follows:

- D-1 45 equals a maximum height of 45 feet
- D-1 75 equals a maximum height of 75 feet
- D-1 100 equals a maximum height of 100 feet
- D-1 150 equals a maximum height of 150 feet
- D-1 200 equals a maximum height of 200 feet
- D-1 300 equals a maximum height of 300 feet

The maximum height in the I-3 Zone shall be the same as the underlying D-1 Zone.

2. Building lines at street level shall be coincident with the lot line without setback. On a lot with curved lot frontage, the building may be built to the chord or the tangent, whichever applies. Building fronts may incorporate articulations not to exceed two feet in depth. Such articulations shall not encompass more than 30% of the total building front.
3. ~~Where dwelling units are included in any building, such dwelling units shall not be less than six (6) feet from any interior lot line. Reserved~~
4. Where the property on the opposite side of the street is in an R-Zone, the front yard requirement of the R Zone shall apply.
5. Except if a Bonus has been granted in accordance with Section 502.7 [Ord. 1995-8]

**Section 307 – Dimensional Regulations – Waterfront Districts:**

	<b>W-1</b>	<b>W-2</b>	<b>W-3</b>
Maximum Height	45 ft./3 stories	75 ft./6 stories	90 ft./7 stories
Minimum Lot Area	5,000 sq.ft.	5,000 sq.ft.	N/A
Minimum Lot Area Per Dwelling Unit	1,200 sq.ft. per dwelling	600 sq.ft. per dwelling	N/A
Minimum Lot Area Per Rooming Unit	400 sq.ft	None	N/A
Minimum Lot Width and Frontage	50 ft.	50 ft.	0 ft.
Minimum Front Yard	<del>12' from face of curb</del> 0 ft. <sup>2,4</sup>	0 ft.	0 ft.
Minimum Side Yard <sup>3</sup>	6 ft. <sup>4</sup>	0 ft. <sup>+</sup>	0 ft. <sup>+</sup>
Minimum Rear Yard	25% of Lot Depth – 25% Maximum	0 ft. <sup>+,5</sup>	0 ft. <sup>+</sup>
Maximum Lot	40%	N/A	N/A

Coverage			
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307.1 – Footnotes for Dimensional Regulations – Waterfront Districts:

1. ~~In W zones, where dwelling units are included in any building, such dwelling units shall not be less than six (6) feet from any lot line. Reserved.~~
2. Where the block frontage is partly in an R- zone, the front yard requirements of the R- zone shall apply.
3. Where the side yard of the lot abuts upon a lot in a R-zone, there shall be a side yard of not less than ~~four~~4 ft. for each story or 12 feet in height but such yard shall not be less than ~~six~~6 feet.
4. No structure shall be erected within 20 feet of the inland edge of the coastal feature except for docks and other similar facilities in connection with a permitted port facility or marina.
5. Where the rear yard of a lot abuts upon a lot in an R-zone, there shall be a rear yard of not less than ~~twenty percent (20%)~~ of the lot depth, maximum required need not exceed 20 feet.

C. In Article 7:

704.2 - Paving Limitations: Paving on lots in R Zones shall be limited to the following:

- A) The front yard may be paved ~~only be used~~ for a driveway to access a garage or parking area located in the side or rear yard. A driveway used to access a single car garage, side yard parking area, or rear yard parking area of four cars or less, may be no more than 15 feet wide. A driveway used to access a two-car garage or larger, or a parking area for more than four cars, located in a side or rear yard may be no more than 25 feet wide. Nothing herein shall prohibit a circular driveway or parking area in the front yard provided there is no other driveway located in the front yard, there is no other parking area located on the lot, and the paved area occupies no more than 33% of the area of the front yard. Driveway curb cuts shall be subject to the regulations of the Department of Public Works and the Traffic Engineer and must be approved by the Traffic Engineer and Director of Public Works.
- B) Only one side yard shall be permitted to be paved ~~for parking~~.
- C) Only 50% of the rear yard area shall be permitted to be paved ~~for parking~~.

704.3 - Parking on Non Paved Areas: Parking shall not be permitted on non paved portions the lot.

D. In Article 8:

**Section 801 - Duties of the Director:** It shall be the duty of the Director to interpret and enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State and in the Charter and Ordinances of the City. The minimum qualifications for the Director are the same as those required of the Director of Inspections and Standards in the Charter. Upon a written request for information or clarification of this ordinance, the Director shall issue a zoning certificate or provide information to the requesting party within ~~fifteen (15)~~ days of receipt of the written request. In the event that no written response is provided within that time, the requesting party shall have the right to appeal to the Board for the determination.

801.1 – Modification:

A) The Director may issue modifications from the literal dimensional requirements of this Ordinance in the instance of the construction, alteration, or structural modification of a structure. A modification shall not exceed five percent of any of the dimensional requirements specified in this Ordinance. A modification does not permit moving of lot lines. Within ten days of the receipt of a request for a modification, the Director shall make a decision as to the suitability of the requested modification based on the following determinations:

(1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;

(2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;

(3) The modification requested is in harmony with the purposes and intent of the Comprehensive Plan and Zoning Ordinance; and

(4) The modification requested does not require a variance of a flood hazard requirement.

B) Upon an affirmative determination, the Director shall notify, by registered or certified mail, all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of general circulation within the city or town that the modification will be granted unless written objection is received within 30 days of the public notice. If written objection is received within 30 days, the request for a modification shall be denied. In that case the changes requested will be considered a request for a variance and may only be issued by the Zoning Board of Review following the standard procedures for variances. If no written objections are received within 30 days, the Director shall grant the modification. The Director may apply any special conditions to the permit as may, in the opinion of the Director, be required to conform to the intent and purposes of this Ordinance. The Director shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received. Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

E. In Article 10:

1000.59 - Drive In Business: A business enterprise where goods and services, such as food, beverages or banking services, are sold or transacted outside the confines of a building or portion thereof, ~~often where the patron is in a motor vehicle on the site.~~

Section 2: This Ordinance shall take effect upon passage.

IN CITY COUNCIL -  
APR 3 2003  
FIRST READING  
READ AND PASSED

*Michael R. Clement*

IN CITY COUNCIL

APR 22 2003  
FINAL READING  
READ AND PASSED

*[Signature]*  
PRESIDENT

APPROVED

*Michael R. Clement*  
CLERK CB

*[Signature]*

5/2/03

MAYOR