

CHAPTER 2018-14

No. 278 An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence Entitled "The City of Providence Zoning Ordinance" Approved November 24, 2014, As Amended, to Change Certain Text in Article 5

Approved April 20, 2018

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance," approved November 24, 2014, as amended, is hereby further amended by making the following changes, with additions underlined:

ARTICLE 5. COMMERCIAL DISTRICTS

503 DESIGN STANDARDS

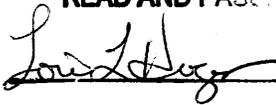
A. C-1 and C-2 District Design Standards

8. Ground Floor Uses

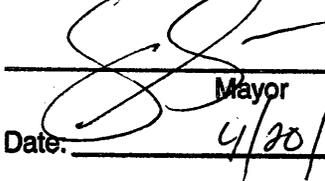
For a building that fronts on a Main Street in a C-1 or C-2 District, residential and parking uses are prohibited on the ground floor of the building within 20 feet of the Main Street. Lobbies and common spaces associated with residences are permitted within this area. This requirement shall be considered a design standard, and not a use regulation. The following streets are Main Streets: Atwells Ave, Broadway, Westminster St, Washington St., Cranston St., Elmwood Ave., Broad St., North Main St., South Main St., Wickenden St., Thayer St., Hope St., Wayland Ave., Branch Ave., Charles St., and Chalkstone Ave.

SECTION 2: This ordinance shall take effect upon passage.

IN CITY COUNCIL
APR 05 2018
FIRST READING
READ AND PASSED

 CLERK

I HEREBY APPROVE.



Mayor
Date: 4/20/18

IN CITY
COUNCIL
APR 19 2018
FINAL READING
READ AND PASSED

 PRESIDENT
 CLERK



City Plan Commission
Jorge O. Eiorza, Mayor

December 20, 2017

Councilman Terrence Hassett, Chair
Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Lorí Hagen, City Clerk

Re: Referral 3418-Amendment to zoning ordinance regulating ground floor commercial uses

Ordinance sponsor: Councilman Brian Principe

Dear Councilman Hassett:

At its regular meeting on December 19, 2017, the City Plan Commission (CPC) reviewed the proposed amendment to the zoning ordinance. Councilman Brian Principe is the proponent of the amendment which initially prohibited changing the first floor of a mixed use building from commercial use to residential without permission of the City Plan Commission and Zoning Board of Review. The restriction would have applied to the Atwells Ave, Broadway and Westminster Street commercial corridors. The CPC was concerned about the hardship placed on property owners to appear before two boards, commercial uses not being viable at certain locations and consistency in applying the standard across the City. The CPC formed a referral review subcommittee to further study the amendment and its effect on development. The subcommittee presented their findings to the full commission who developed the amendment based on their findings.

DESCRIPTION OF RECOMMENDED CHANGES

Based on its analysis, the CPC found that any ordinance change should conform to six criteria:

- Changing the definition of commercial to include active uses like nonprofits or public facilities
- Allowing some residential use on the ground floor to allow conformance with accessibility requirements.
- Framing the change in a way that would prevent demolition of vacant mixed use buildings
- The change should be applicable to main streets in the entire City instead of a defined area
- Residential Professional zones should be removed from consideration as they are intended for mixed use.
- Provide a mechanism like a waiver for seeking relief from the requirement

DEPARTMENT OF PLANNING AND DEVELOPMENT
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The revised amendment follows the CPC's criteria. It prohibits residential and parking uses within 20 feet of a main street but makes an exception for lobbies and common residential spaces. Main streets, where the change would be applicable, are defined. It is also specified that the requirement is a design standard, not a use regulation, so that the CPC can waive it under certain circumstances.

FINDING OF CONSISTENCY WITH COMPREHENSIVE PLAN AND ZONING ORDINANCE

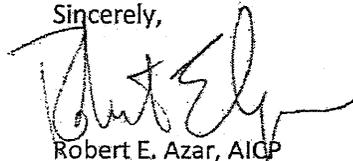
The CPC found the amendment to be in conformance with the zoning ordinance and comprehensive plan. The CPC found that defined main streets are mostly coincident with growth corridors. This conforms with objective LU-2 of the plan which encourages development in growth corridors which are described as areas best suited to provide access to jobs, housing and transit. The CPC found that the change to the ordinance is not expected to negatively affect health, safety and welfare and is consistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

ACTION

Upon a motion by Commissioner Elliott, seconded by Commissioner Opton-Himmel, the CPC voted as follows to make a positive recommendation to the City Council to amend the zoning ordinance in accordance with the attached amendment:

M. Gazdacko, Acting Chair AYE
H. Bilodeau AYE
J. Opton-Himmel AYE
J. Elliott AYE

Sincerely,



Robert E. Azar, AICP
Deputy Director

Attachment: Proposed Ordinance Amendment