

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2012-25

No. 293 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, to Change Certain Text in Articles I, III, IV, V, VI, VII, X, and Appendix A to Revise the Regulations for Downtown; and to Revise the Zoning Map for Downtown, As Amended

Approved May 5, 2012

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 June 27, 1994, as amended, is hereby further amended by making the following changes (where indicated, text to be removed is crossed out; the new text is underlined):

ARTICLE I – GENERAL PROVISIONS

101.3 - Downtown Zoning Districts

D-1 Downtown - Central Business District - This zone is intended to encourage revitalization and restoration of the historic core business area and to accommodate appropriate expansion of the downtown area. A variety of business, financial, institutional, public, quasi-public, cultural, residential, and other related uses are encouraged in the downtown area. Compatible and appropriate mixed uses are encouraged to promote commercial, retail and other business activity at street levels; residential, retail, and office uses on the upper floors; and to preserve and foster the economic vitality of the downtown. ~~See Downcity District overlay zone for additional regulations.~~

101.7 - Overlay Zoning Districts:

DD Downcity District - This overlay zone is intended to regulate the design of buildings and open spaces in the historic core of Downtown, and by fostering preservation of historic structures, to ensure that: new development is compatible with the existing historic building fabric and the historic character of downtown; historic structures are preserved, and design alterations are in keeping with historic character; development relates to the pedestrian; development promotes the arts, entertainment and housing; and, the goals of the ~~Downcity Plan~~ of the Comprehensive Plan are achieved.

Section 103 - Official Zoning Map: The official zoning map of the City shall consist of two series of maps as follows:

- B) The boundaries and regulating information where applicable, of the DD, HD, MSCOD, CCOD, WSOD, ~~and JD~~, and ESOD overlay zoning districts and I-1, I-2 and I-3 floating districts, as defined, are hereby established as shown on a series of maps on file in the office of the City Clerk entitled "City of Providence Official Zoning Map- Overlay Zoning Districts", dated April 26, 1991, adopted on October 24, 1991, reproduced in a computer-generated format, dated June 19, 2009, and amended from time to time in accordance with Rhode Island General Laws (RIGL) Title 45 Chapter 24, consisting of 26 separate panels numbered 1 to 26.

ARTICLE III – USE AND DIMENSIONAL REGULATIONS
Section 303

Use Code	Use	D-1	New Footnote
21.1	Higher Educational Institution (Grades 13 and up) - Classroom, Office and Assembly Use	NS	
24	Health Care Institution	NS	
33.3	Transient Amusement	Y	<u>Permitted as an interim use per Section 502</u>
33.4	Outdoor Entertainment	NY	<u>Permitted as an interim use per Section 502</u>
46.1	Animal Hospital	NS	
63	Aircraft Transportation Including Maintenance	SN	
64.1	Parking Lot, Principal Use	YN	
66	Power Plant	NY	<u>Permitted only as an accessory use</u>
83	Precision Instrument and Scientific Equipment Manufacturing	NY	
84	Jewelry, Silverware, Plated Ware, Costume Jewelry and Notions Manufacturing	NY	
84.1	Manual Assembly of Jewelry Parts	SY	
49	Research and Development	Y	

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ARTICLE IV – SUPPLEMENTARY REGULATIONS

421.1 Land Development Projects:

- A) Exemptions: The following types of development that meet the thresholds of Section 421.1 A) are not Land Development Projects:
- Any development in an Institutional Floating Zone, and subject to Section 503.
 - Any development in the D-1 Zone subject to review by ~~the Downcity Design Review Committee~~ under Section 502, ~~and/or the Capital Center Commission,~~ under or Section 504.

421.2 Development Plan Review Required: The following types of development activity are subject to Development Plan Review, as authorized by R.I.G.L. § 45-24-49(b). For each type of development, the Development Plan Review Body that conducts the review and the regulations to be applied to the review are listed. Developments subject to review by Sections 421.1, and 503 shall not be subject to Development Plan Review.

- A) Development in the ~~Downcity District~~ D-1 Zone shall be reviewed by the ~~Downcity~~ Downtown Design Review Committee or its staff subject to the regulations of Section 502.

Section 425 – Trees and Landscaping: 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 Section 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.~~ All development activity shall require either retention or installation of landscaping and trees, in accordance with the provisions of this Section. See Section 425.5 to determine if and when this Section applies.

425.1 – Quantity of Trees Required:

- 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: 30% of the square footage of the lot(s) or development.
 - 2) ~~D-1 Zone: See Section 502.2 for landscaping requirements.~~
 - 3) ~~2)~~ All Other Zones: 15% of the square footage of the lot(s) or development.
 - 4) ~~3)~~ Overlay and Floating Zones: The canopy coverage requirement of the base zoning district(s) shall apply.

ARTICLE V – SPECIAL ZONES

Section 502 is deleted in its entirety and replaced with the following new Section 502:

Section 502 - D-1 Zone: The purpose of the D-1 Zone is to encourage and direct development in the downtown to ensure that: new development is compatible with the existing historic building fabric and the historic character of downtown; historic structures are preserved and design alterations of existing buildings are in keeping with historic character; development encourages day and night time activities that relate to the pedestrian and promote the arts, entertainment and housing; greenways and open spaces are incorporated into the downtown; and the goals of the Comprehensive Plan are achieved. The design of the exterior of all buildings, open spaces and all exterior physical improvements in the D-1 Zone shall be regulated and approved through development plan review in accordance with the provisions of this Section.

502.1 - Development Plan Review Bodies: The Downtown Design Review Committee (DRC) is established as a development plan review body to conduct development plan review in the D-1 Zone. The Director of the Department of Planning and Development, or his or her designee(s), serving as staff to the DRC, is also established as a development plan review body to conduct development plan review in the D-1 Zone. All development in the Zone shall be reviewed and approved by the DRC or its staff in conformance with this section.

- A) Powers and Duties of the DRC and its Staff: The DRC and its staff shall have the following powers and duties:
1. Regulate Development in the D-1 Zone: Except as otherwise provided in a. through c. below, and elsewhere in this ordinance, the DRC and its staff shall be authorized to regulate all improvements on public and private land in the D-1 Zone including the following:
 - New construction of buildings or appurtenances
 - Additions to existing buildings or appurtenances
 - Major and minor alterations to existing buildings or appurtenances, including repair and rehabilitation of the exterior
 - Demolition and removal of buildings or appurtenances
 - Site work
 - a. Capital Center Special Development District: Any property located in the D-1 Zone that is also located in the Capital Center Special Development District established in accordance with 2-361 through 365 of the City Code of Ordinances, shall comply with the regulations herein pertaining to uses, height, signs, landscaping and parking. Properties in the Capital Center Special Development District shall be governed by the rules and regulations of the Capital Center Commission which it establishes from time to time pursuant to state law as well as the provisions of Section 504 of this Ordinance. Until such time as the Capital Center Special Development District ceases to exist, properties in that district shall otherwise be exempt from the review process of the DRC established under this Section 502.
 - b. I-195 Redevelopment District: For any property located in the D-1 Zone that is also located in the I-195 Redevelopment District, the I-195 Redevelopment District Commission shall serve as the DRC. When the I-195 Redevelopment District Commission dissolves in accordance with R.I.G.L. 42-64.14-22, the DRC and its staff shall assume jurisdiction over said property.
 - c. Historic Districts: Any property in the D-1 Zone that is also within a local Historic District or the Industrial and Commercial Buildings District (ICBD) shall be subject to review by the Historic District Commission (HDC) and not the DRC or its staff. However, new construction in the ICBD that is not subject to review by the HDC shall be subject to review by the DRC or its staff in accordance with this Section 502.
 - d. Healthcare and Higher Educational Institutions: Prior to any review required by this Section 502 being conducted, any project on property owned by a Healthcare or Higher Educational Institution must have first been approved as part of an Institutional Master Plan in accordance with Section 503, and if necessary, must have received a Special Use Permit, in accordance with Sections 503.5 and 905.3.
 2. Waivers: Where specifically authorized by this Section, and in accordance with all requirements herein, the DRC may grant waivers that carry out the purpose of the D-1 Zone and are in harmony with the general purposes and intent of these regulations. In granting a waiver, the DRC may impose such conditions deemed necessary to carry out the purpose of this Section.

3. Development Incentives: The DRC is authorized to grant development incentives in the form of density bonuses, height bonuses, or transfers of development rights, in accordance with the provisions of this Section. In granting a development incentive, the DRC may impose such conditions deemed necessary to carry out the purpose of this Section.
4. Adoption of Rules: The DRC and its staff shall adopt and publish all rules necessary to carry out their functions under the provisions of this section. These rules shall include:
 - procedures for accepting, processing, and reviewing applications
 - for all applications for major alteration, new construction, and demolition, procedures for paper and electronic posting (including electronic subscription feeds) to publicize applications received, details of proposals, and findings and actions recommended and/or taken by the DRC and staff
 - design guidance for interpreting the regulations contained herein pertaining to alterations, new construction, and demolition

B) DRC Membership:

1. Members: Upon enactment of this Section, the members of the Downcity Design Review Committee shall henceforth be members of the Downtown Design Review Committee. The members of the DRC should consist of people who have demonstrated interest and commitment to the vision and historic character of Downtown and to its economic development. The DRC shall consist of five members. Four members shall be appointed by the Mayor as follows: one registered Rhode Island architect, two property owners in the D-1 Zone, and one community planner, developer, real estate agent or builder. The chair of the HDC or a member of the HDC appointed by the chair shall be the fifth member of the DRC. Members shall afterward be appointed for three year terms. For each property owner representative, the Mayor may accept recommendations from any organization with an interest in Downtown development.
2. Alternate Members: The Mayor shall appoint the two alternate members as follows: one registered Rhode Island architect or landscape architect and one property owner in the District. Each shall be appointed for a three-year term and shall sit and may actively participate in hearings. The first alternate shall vote if one member is unable to serve and the second alternate shall vote if two members of the board are unable to serve.
3. Expired Terms and Vacancy: DRC members whose terms have expired shall continue to serve until they resign in writing, or are replaced. In the event of a vacancy, the vacancy shall be filled in accordance with the original appointments to fill the unexpired term(s). Vacancies shall be filled within 90 days.
4. Organization: The Mayor shall appoint a chair. The DRC shall elect from its members a vice chair. The Department of Planning and Development shall assign staff to support and work with the DRC.

C) DRC - Conduct of Business: The Chair shall preside over all DRC meetings and shall have the right to vote, and make and second motions. The Vice Chair shall, in the case of absence or disability of the Chair, perform the duties of the Chair. All meetings of the DRC shall be open to the public.

1. Quorum: Three members shall constitute a quorum.
2. Required Vote: The concurring vote of three members of the DRC shall be necessary to approve an application for a major alteration, addition, or new construction. The concurring vote of four members of the DRC shall be necessary to approve an application for a waiver, development incentive, or demolition.
3. Public Hearing: The DRC shall hold a public hearing on any request for a waiver or a development incentive in accordance with Article IX of this ordinance.
4. Record: The DRC shall keep a record of all proceedings, findings, decisions and actions and such record shall be open to the public. All decisions evidencing the granting of a waiver shall be recorded by the applicant in the Land Evidence Records of the City. No permit shall be issued until the waiver or development incentive is properly recorded in said Land Evidence Records. Failure by the applicant to file the decision within 30 days after its issuance shall cause said decision automatically to become null and void.

D) Procedures for Design Approval:

1. Application: Before any property owner commences any improvements on public or private land that are regulated by this section, a written application for such work, including an application for a waiver and/or development incentive, if applicable, shall be submitted to DRC staff. Said application shall be developed by the DRC staff and shall include all information which is reasonably necessary to evaluate the proposed work.

No building permit shall be issued before the project receives design approval from the DRC or its staff. For those projects where no building permit is required, but which involve activity regulated by this section, DRC or DRC staff approval shall still be required.

No DRC or staff approval shall be necessary for the following:

- a. the painting of previously painted surfaces;
 - b. the installation of traffic signage, or;
 - c. street improvements such as plant material, street paving, curbing, drainage.
2. Type of Review: The type of review for all development in the D-1 Zone shall depend on the type of work being done.
 - a. DRC Review: The DRC shall review all applications for waivers, development incentives, moving of structures and demolition. Within the Downcity District, the DRC shall also review all applications for major alterations, additions, and new construction. Such review shall be held during a regular meeting of the DRC open to the public, for which at least seven days advance written notice has been given by first class mail to the applicant, property owner, abutting property owners, and all others requesting notice of the DRC's meetings.

- b. Staff Review: Outside of the Downcity District, DRC staff shall review all applications for minor alterations, major alterations, additions, and new construction. Within the Downcity District, DRC staff shall review only minor alterations. Staff reviews may be conducted without public notice. However, within 15 days of receipt of a complete application for a major alteration, addition or new construction that requires staff review, notice shall be sent by first class mail to the applicant, property owner, and abutting property owners, that notifies them that a complete application has been received.
3. Time Periods in which to Act: DRC staff shall, within 30 days, determine if an application is complete. An application is complete if it contains all documentation required by the application forms and complies with all regulations of this ordinance. For incomplete applications, DRC staff shall notify the applicant, in writing, of all deficiencies in the application. A determination by the DRC or its staff shall be made within 60 days of receipt and determination of a complete application. This time period may be extended by mutual agreement between the applicant and the DRC or staff. In the event that the DRC shall make a written determination within the 60-day period that a particular application requires further time for additional study and information, the DRC shall have a period of up to 90 days from the date of acceptance of a complete application within which to act on such application. The failure of the DRC or its staff to act within the time periods specified above shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the DRC or its staff.
4. Determination: The DRC or its staff shall be authorized to approve, approve with conditions, or deny an application for development plan review. Approval shall be based upon conformance with the regulations of this section. The DRC or its staff shall place on the record its reasons and conditions for approval or reasons for denial of the application, consistent with the provisions of this Ordinance. All determinations shall be made in writing. The Director of the Department of Planning and Development shall approve and sign all staff determinations for major alterations, additions, or new construction. A copy of the DRC or staff determination shall be filed with the applicable building permit. A notice of all determinations made by the DRC and all staff determinations for major alterations, additions or new construction shall be posted in the City Clerk's office for 20 days.
5. Waivers: Whenever an application requests a waiver to the regulations of this Section, a public hearing shall be held in conformance with Section 903 of this Ordinance. In granting a waiver, the DRC shall make positive written findings on each of the following provisions:
 - a. Literal enforcement of the provision for which a waiver is sought is impracticable.
 - b. The design or development condition resulting from the waiver has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.
 - c. Granting of the waiver is in the best interest of good planning, urban design and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.

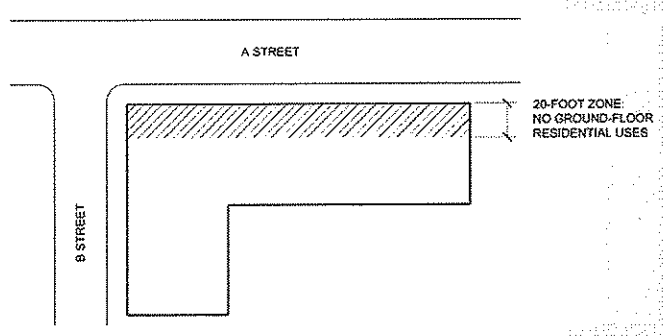
6. Development Incentives: Whenever an application requests a development incentive to the regulations of this Section, a public hearing shall be held in conformance with Section 903 of this Ordinance. In granting a development incentive, the DRC shall make positive written findings on each of the following provisions:
 - a. The design or development condition resulting from the development incentive has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.
 - b. Granting of the development incentive is in the best interest of good planning, urban design and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.
7. Accept Advice from Other Agencies: In order to assist in its review of plans, the DRC may request the HDC or other agencies to review and comment on proposals.
8. Appeals: A person or persons jointly or severally aggrieved by a decision of the DRC or its staff in their exercise of Development Plan Review shall have the right to appeal the decision to the Board in accordance with the procedures of Article IX and Title 45, Chapter 24 of the General Laws of Rhode Island.
9. Enforcement: This section shall be enforced in accordance with Article VIII of this Ordinance.
10. Filing Fees: Any application for DRC approval shall be accompanied by a filing fee as set by the Council which shall be deposited with the City Collector. No part of said fee shall be refunded to the applicant.

502.2 - D-1 Zone - General Regulations:

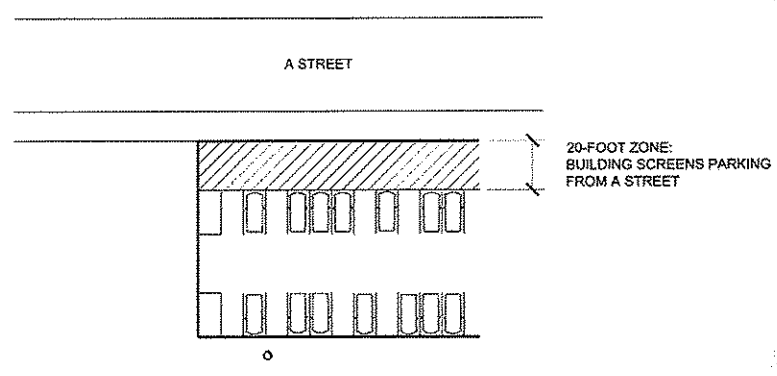
A) Uses: Within the D-1 Zone, certain uses are regulated more strictly than are otherwise provided by Section 303.

1. Residential Uses:

For a building that fronts on an A Street, residential uses shall not be permitted on the ground floor within 20 feet of the A Street. Lobbies and common spaces associated with residences are permitted within this area.



2. Parking Uses: Parking on the ground floor shall be separated from an A Street by a permitted ground-floor use having a depth of at least 20 feet from the A Street.



3. Interim Uses: An interim use is a temporary or transitional development, installation, or activity established on underutilized and/or vacant property for a predetermined period.

- a. Interim uses shall be permitted by DRC staff in the D-1 Zone for a period up to five years. Subsequent approvals and time periods may be granted by the DRC by waiver. In such cases the DRC shall find that the interim use continues to provide public benefit.
- b. Requirements: Interim uses shall achieve all of the following requirements in order to be permitted:
 - i. Interim uses shall provide public amenities, public access, or promote economic development.
 - ii. Interim uses shall encourage pedestrian activity with visual and/or physical access provided from the adjacent street edge.
 - iii. Interim uses shall encourage street level activity through commercial enterprise, streetscape enhancement, public art, public education, and/or recreation.
- c. Structures containing interim uses are not subject to the new construction standards of Section 502.4.
- d. Permitted Interim Uses: Permitted interim uses include but are not limited to the following:
 - i. Restaurants and sales/service retail (e.g. food trucks/carts and "pop-up" retail)
 - ii. Farmers' Markets
 - iii. Art and cultural installations
 - iv. Passive and/or active recreational open space
 - v. Urban agriculture
 - vi. Decorative lighting, fencing, and creative landscape treatments
 - vii. Outdoor theater and performance
 - viii. Interim surface parking may be permitted by waiver by the DRC as an interim use so long as it is either accessory to another interim use on the same lot, or to accommodate parking to serve a construction project. Said construction parking shall cease when the construction is complete. Interim Use surface parking lots shall conform to Section 502.2 E.
- e. Prohibited Uses: The following shall not be considered interim uses and are prohibited in Downtown:
 - i. Surface parking lots, except those permitted as an interim use in Section 502.2.A.3.d.viii
 - ii. Vehicle storage yards
 - iii. Chain link and barbed wire fencing
 - iv. Solid walls higher than three feet

B) Signs [as defined in Article VI]: The maximum total area of all signs on a facade shall not exceed three (3) square feet per one (1) lineal foot of building frontage. Window signs shall not be included in the above calculation. Such signs shall be made of metal, painted wood or other painted similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and detail.

- 1. Illumination: Signs may be externally illuminated. Internally illuminated signs are prohibited with the exception of the following types:

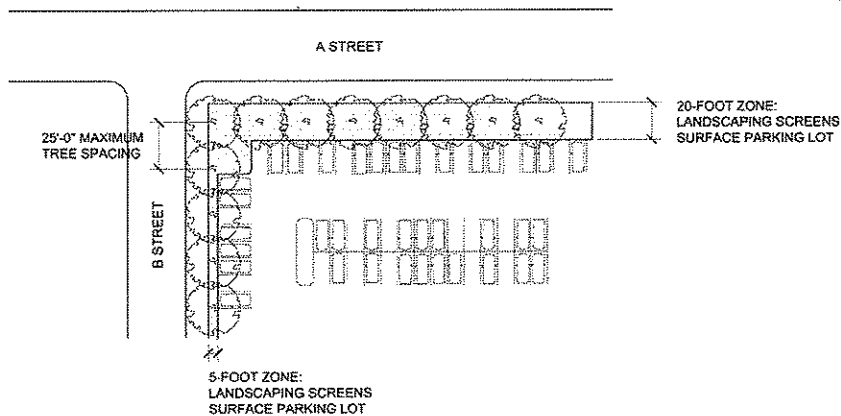
- a. Reverse Channel – A method of illumination that casts a shadow of lettering or a logo on the face to which it is mounted.
 - b. Stencil or Channel-Cut – A method of illumination that lights lettering or a logo and does not light the remaining face of the sign.
 - c. Halo – A method of illumination that produces a halo of light surrounding lettering or a logo without illuminating the surface to which it is mounted.
2. Freestanding signs shall be prohibited.
3. The maximum area, maximum height, minimum setback from a property line, and maximum projection over a public right-of-way of any individual sign shall be limited as follows:

Sign type	Area	Height	Setback	Projection Over Public ROW
Canopy	2 sq. ft./1 ft of building frontage			Permitted to extend to within 6" of face of the curb
Projecting	48 sq. ft.	30 ft.	0 ft.	6 ft.
Roof	128 sq. ft.	12 ft. above roof	0 ft.	0 ft.
Wall	2 sq. ft./1 ft. of building frontage	-	-	1.25 ft.

The DRC may grant waivers from these signage requirements and may also grant waivers to permit moving or animated signs.

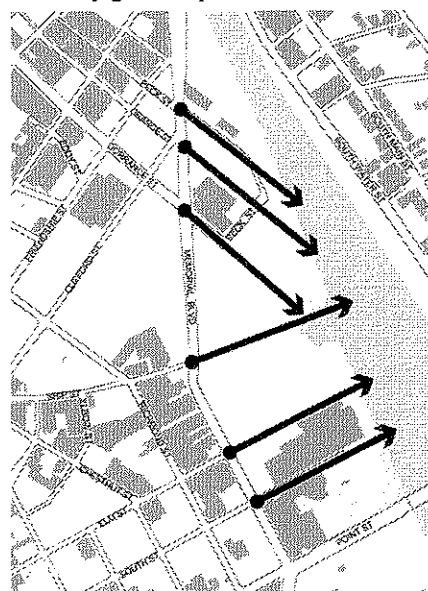
- C) Landscaping: Areas of lots not occupied by buildings shall meet the landscaping requirements of Section 425. The canopy coverage shall be based on the lot area not occupied by a building.
- D) Fences and Walls: Fences and walls shall be permitted subject to the following regulations. The DRC may grant waivers to these provisions.
 - 1. Exterior landscaping walls shall be faced to complement the surrounding architecture.
 - 2. Walls of a uniform material shall vary in pattern, texture and color and employ elements such as columns, pilasters, banding, or cornices to interrupt the monotony of continuous lengths of wall.
 - 3. Fences shall be constructed from steel, aluminum, or wrought iron and may include stone or brick piers. Fence colors shall blend into the landscape.
 - 4. Fences and walls shall not exceed six feet in height.
- E) Parking: Parking in the District shall conform to the requirements of Article VII of this ordinance. However, parking is not required for newly constructed buildings on an individual lot with a gross floor area of less than five thousand (5,000) square feet.

1. Access to parking lots and structures from A Streets shall only be permitted when the lot has no frontage on a B Street. For lots with A and B Street frontage, such access from an A Street may also be granted when the B Street is determined by the City Traffic Engineer to be sub-standard for maintaining adequate traffic flow.
2. The maximum width of the driveway access shall be 24 feet.
3. Surface Parking: Surface parking is strongly discouraged in the D-1 Zone, and shall only be permitted by waiver from the DRC as an accessory use subject to the following conditions:
 - a. Accessory Use Parking Lots shall be permitted only on the same lot as a Principal Use building.
 - b. On a lot with A Street frontage, Accessory Use Parking Lots shall not be permitted within 20 feet of the A Street. For areas between the parking lot and the A Street that do not contain buildings, such areas shall be landscaped and fenced as required by the DRC. Such areas may contain hardscape elements.



- c. Along B Streets, surface parking shall be separated from the public right of way by a landscaped strip in accordance with Section 425.2 A). The DRC may require fences and/or walls to buffer the parking.
 - d. The DRC may impose a time limit on the waiver that permits surface parking.
 - e. The parking surface shall utilize low-impact-development practices appropriate to an urban environment consistent with city ordinance and state laws to treat and discharge stormwater.
 - f. Light poles may not exceed 18' in height, and their design shall conform to Section 429.
 - g. The DRC may impose further conditions to ensure that surface parking areas do not have a negative impact on the surroundings.
- F) Loading: Off street loading docks and areas shall be provided in accordance with Section 708 and the following provisions:
1. Access to loading docks and areas from A Streets shall only be permitted when the lot has no frontage on a B Street. For lots with A and B Street frontage, such access from an A Street may also be granted when the B Street is determined by the City Traffic Engineer to be sub-standard for loading access.
 2. Exterior loading docks are prohibited.

3. Interior loading shall be screened from view by solid, non-transparent doors which shall remain closed when the loading dock is not in use. The doors used to screen the docks shall be designed to be consistent with similar building elements such as windows and doors to reduce the industrial appearance of the loading area and shall be constructed of materials found elsewhere on the building.
 4. The maximum width of the driveway access to the loading dock/area shall be 24 feet. Wider curb cuts may be permitted by waiver if it is demonstrated that loading cannot be reasonably accessed given site conditions.
- G) **Mechanical Equipment:** Mechanical equipment located on the ground or on the roof shall be screened so as not to be visible to a pedestrian from within the right of way of an A Street abutting the property containing the building. The screening shall complement the design of the building through the use of similar materials, colors, finishes and architectural details. Louvers, exhaust equipment, ducts, alarm devices, cable boxes, utility meters and other mechanical and/or electrical equipment shall not be mounted on an A Street façade. The DRC may waive this provision, provided that such equipment shall be mounted only in inconspicuous locations and painted and/or screened in such a manner to reduce its visual impact.
- H) **Roof Structures:** The DRC may waive regulations pertaining to roof structures to permit up to 100% of the roof to be covered by such structures without counting as an additional story.
- I) **Awnings:**
1. Awnings shall be variations on the shed form.
 2. Use of one continuous awning across more than one building is prohibited.
 3. Awnings shall be constructed of metal, canvas, or fire-resistant acrylic. Use of plastic and vinyl are prohibited.
 4. Back-lighting of awnings is prohibited.
 5. Dome and waterfall types of awnings are prohibited.
 6. Awnings may project up to eight feet into the public right-of-way.
- J) **Lighting:** Light fixtures shall be decorative or concealed. They shall be shielded and directed toward a building or the ground. Electrical conduit and junction boxes shall be located so as to minimize, or if possible, eliminate their visibility from the public right-of-way.
- K) **Security Grates** –The use of solid rolldown security grates is prohibited. Alternatives to solid rolldown grates include ornamental wrought-iron doors, interior rolldown grates or other security devices that can be completely concealed during regular business hours. Security guards shall be designed so as not to impact the historic quality of existing buildings.
- M) **View Corridors:** View Corridors: View corridors shall be established along Peck Street, Orange Street, Dorrance Street, Ship Street, Elm Street, and



South Street to preserve important views to and from the Providence riverfront. The six view corridors shall be uninterrupted physical extensions of the existing right-of-way width and geometry of said streets, and shall extend to the riverfront edge, as indicated in the illustration below. Structures or landscaping located within view corridors shall not exceed a height of three feet. The DRC may waive this provision.

Section 502.3 - Design Regulations for Alterations to Existing Buildings: All exterior work on existing buildings in the D-1 Zone is subject to approval by the DRC or its staff and shall be regulated by these standards. The purpose of these standards is to preserve the urban fabric, and in particular, the historic character of Downtown.

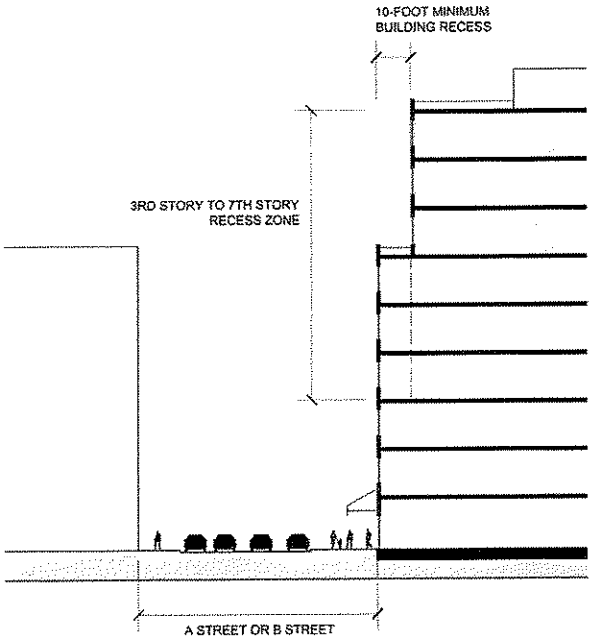
- A) These standards are intended to preserve and restore the architectural integrity and historic character of buildings in the D-1 Zone. The existing scale and proportions of buildings and streetscapes shall be preserved. The DRC and its staff shall review:
1. The preservation, repair or replacement of building features using the Secretary of the Interior's Standards for the Treatment of Historic Properties, promulgated by the National Parks Service (Secretary's Standards) as guidelines, which are hereby incorporated by reference.
 2. Storefronts - Existing structures which have been designed for retail use on the first floor shall retain this design. Where such design no longer exists but would be compatible with the character of the building, Applicants are encouraged to recreate the storefront design on the first floor.
 3. The restoration or reconstruction of a building which has been altered through the years, using the Secretary's Standards as guidelines. The DRC or its staff should consider pictorial, documentary or physical evidence of the original configuration when reviewing applications.
 4. New additions of less than 5,000 sq. ft. GFA, exterior alterations, or related new construction using the Secretary's Standards as guidelines. Additions of 5,000 sq ft. GFA or more shall be treated as new construction subject to Section 502.4.
 5. The transparency of building facades. Transparency shall be at least 70% of the wall area, between the height of 1 and 12 feet from the ground, of each building façade. Renovations of the first floor of existing buildings shall not decrease the area of transparency and if the transparency area is less than 70% of the wall area, shall increase the amount of transparency in accordance with requirements for new construction. All buildings shall meet this requirement unless the original historic character of the ground-floor building facade has less than 70% transparency. Upper-story transparency shall not be reduced from its original design.
 6. The design of all awnings to ensure that the design is in character with the building.
 7. The installation of security devices to ensure that they are designed so as not to impact the historic quality of the building.

502.4 - Design Regulations for New Construction: All new construction, including additions of 5,000 sq. ft. GFA shall be approved by the DRC or its staff and shall be regulated by these standards. The purpose of these standards is to preserve the urban fabric of Downtown and to ensure that new construction complements the historic character and the architectural integrity of existing structures.

A) Minimum Standards: The following are minimum standards for all new construction:

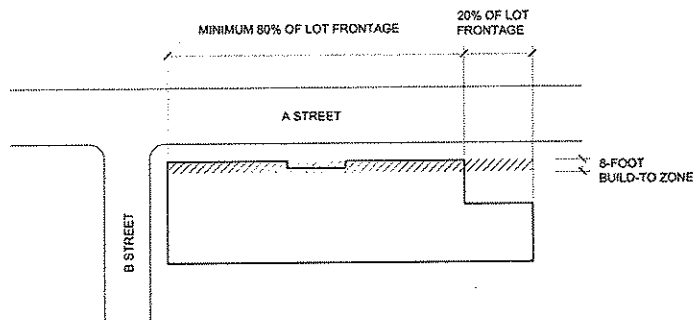
1. Building Height:

- a. Buildings shall be at least three stories in height. The DRC may grant a waiver to allow a building of two stories. Building height and massing shall relate to adjacent structures. Ground floors shall be a minimum of 12 feet from floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height. However, the first-floor height of additions may align with the first-floor height of the existing building.
- b. On both A and B Street facades, buildings over six stories shall have a recess line of at least ten feet above the 3rd story and below the 7th story. The recess line should relate to the form of any buildings adjacent to or across the street from the building. The DRC may grant a waiver to allow a building in excess of six stories not to have a recess line if it is determined that the building can exist compatibly with neighboring buildings. In such cases, a transition line may be required.

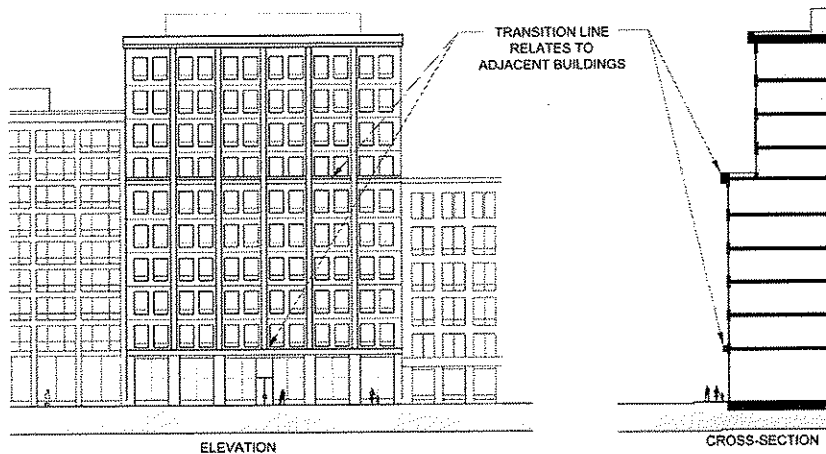


2. Building Facades:

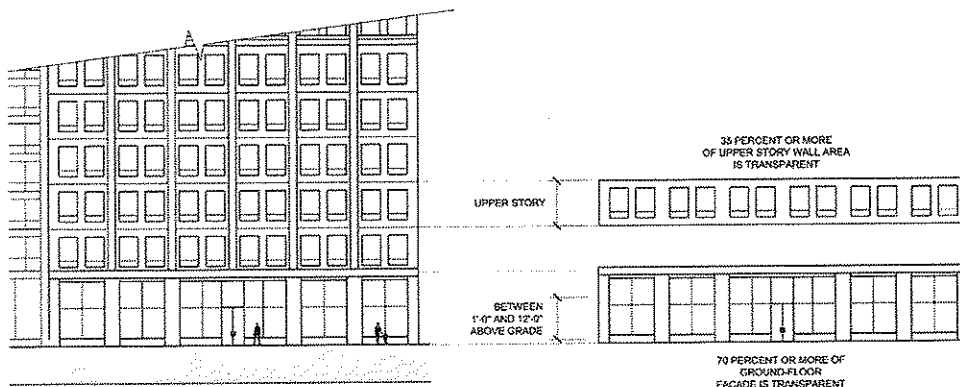
- a. Building facades shall be built within a build-to zone of between zero and eight feet from the street line. Such facades shall occupy this build-to zone for at least 80% of each lot frontage of the property. These provisions may be waived to create court yards, wider sidewalks, open space, and/or outdoor seating. It is preferable that such areas contribute to a planned network of connected pedestrian and bike ways and parks. These provisions may also be waived to create accessory parking areas along B Streets developed in accordance with Section 502.2.E.3.



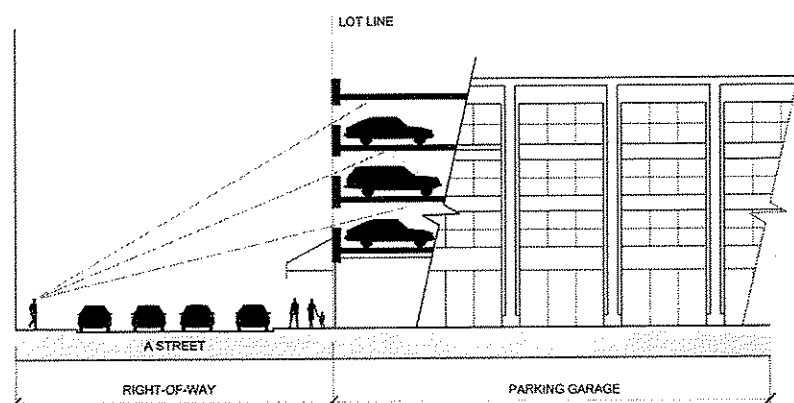
- i. Where the lot frontage is curved, the facade shall follow. The DRC may grant a waiver to permit the building to be built on the chord or the tangent.
 - ii. Buildings shall have their main entrance from a sidewalk on an A Street, or if the building has no A Street frontage, on a B Street.
 - iii. Building facades shall be designed to have multiple entrances, with no less than 35 feet between entrances. These provisions may be waived by the DRC.
- b. A building facade shall have a transition line. Transition lines shall be designed in proportion to the overall height and mass of the proposed building, creating a distinction between upper and lower stories. Transition lines shall relate to existing adjoining buildings.



3. Transparency – All building facades shall provide areas of transparency equal to at least 70% of the wall area, between the height of 1 and 12 feet from the ground, of each building facade. Blank walls shall be separated by areas of transparency of at least 3 feet in width. Each upper story façade shall provide areas of transparency equal to at least 35% of the wall area of the story. These provisions may be waived by the DRC.



4. Windows shall only be of clear or lightly tinted glass. No highly reflective window coatings shall be permitted.
5. Building Materials - The primary exterior finish materials on the facade shall be brick, limestone, sandstone, granite, terra cotta, cast stone, glass, metal, painted wood, cement-based composites, phenolic resin-based composites, or other similar material. The use of non-durable materials such as exterior insulated finishing systems (EIFS), vinyl, and other similar products shall be prohibited on the first floor and discouraged on upper floors.
6. Design of Parking Garages – Parking garage openings which face any street shall be horizontally and vertically aligned. Ramps shall not be exposed on A Street facades. Parking garage facades shall conceal from view the entirety of all parked vehicles from view of a pedestrian from within the portion of right of way of an A Street abutting the property containing the parking garage. These provisions may be waived by the DRC.



502.5 - Demolition: In order to preserve the urban fabric of the D-1 Zone, no building shall be demolished, in whole or in part, until the DRC has granted a waiver to demolish the building and has approved plans for new construction. In reviewing an application for a demolition waiver, the DRC shall consider the historic value and architectural quality of the existing building, regardless of condition; the design of new structures for the site if demolition is approved; and how the design of new structures relates to adjacent structures. The intent of this Section is that new construction shall immediately follow demolition. Demolition shall only be permitted by waiver from the DRC. The following procedures apply to all proposals for demolition:

- A. Waiver Application and Determination of Applicability: A waiver application shall contain an analysis of the building's historic or architectural significance; the reason(s) for the proposed demolition; plans, with elevations, of proposed new construction. The staff shall certify the application complete in accordance with the timeframes of Section 502.1.D.3.
- B. Eligibility for Demolition: A building shall be eligible for a demolition waiver if it meets both 1 and 2 below:
1. The proposed reuse of the site is a permitted use for the D-1 Zone and is in conformance with the regulations of Section 502; and,
 2. The DRC finds that one of the criteria listed below exists:
 - a. The building is not architecturally or historically significant.
 - b. If the building is architecturally or historically significant,
 - i. retention of such building constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, including sale of the building on its present site to any purchaser willing to preserve such building; or,
 - ii. preservation of such building would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including sale of the building to any purchaser willing to preserve such building; or,
 - iii. the merits of the proposal for new construction far outweigh the merits of preserving the building.
- C. Review Process and Timelines: The DRC shall review the evidence and documentation of eligibility and shall hold a public hearing in accordance with Article IX within 60 days of filing of a complete waiver application. By the next regularly scheduled meeting of the DRC following the public hearing, the DRC shall render a decision and notify the applicant. If the DRC finds that the building is eligible for demolition, and finds that the proposed new construction conforms to the standards of this Section, the DRC shall give preliminary approval for the demolition of the structure and preliminary approval for new construction. Said preliminary approvals for demolition and new construction shall expire after one year unless extended by the Director of the Department of Planning and Development. The DRC may, at the applicant's expense, hire experts to opine on the validity of evidence and testimony submitted as part of a demolition application. This may include, but not be limited to, an initial evaluation of the historic or architectural significance of the building, and for structures found by the DRC to be historically or architecturally significant, an appraisal of the property and/or structural analysis of the building.
- D. Submission of Plans for New Construction: Subsequent to the DRC granting preliminary approvals for demolition and new construction, the applicant shall present final plans for new construction to the DRC. The DRC shall review the plans pursuant to the guidelines and procedures of this Section. Concurrent with the issuance of a Certificate of Design Approval, the DRC shall issue final approval for demolition.

- E. Filing of Permits: Subsequent to receiving a Certificate of Design Approval and a final approval for demolition, the applicant shall apply to the Director for building and demolition permits. Such applications shall be made concurrently. The Director shall not issue a demolition permit before the complete building permit for the new construction approved by the DRC has been issued. For purposes of this section, foundation permits shall not be construed to be building permits.
- F. Emergency Demolition: Should the Director determine that a structure is unsafe or hazardous and an imminent hazard to public safety for a reason such as being in danger of imminent collapse from damage caused by human action or an act of God, a committee consisting of the Director, Fire Marshal, Planning Director, a structural engineer to be hired under City auspices, and the Chair of the DRC, or their designees, shall convene immediately to evaluate whether the structure shall be demolished. The committee shall evaluate all pertinent information, including, but not limited to, the structural condition of the structure, the historic value of the structure, and the danger to the public. The Director may order partial or full demolition based on the consensus of the committee. If the Director, in consultation with on-site life safety officials, determines that the structure is in danger of imminent collapse or is an immediate danger to public safety and there is no time to convene the aforementioned committee, he or she may order the structure demolished immediately. The Director shall issue a report to the DRC stating the reasons for the order.

502.6 - Downtown Incentives - Purpose: The purpose of these incentives is to encourage development that will be compatible with the character of Downtown and carry out the goals of the comprehensive plan. These regulations are designed to foster and promote in the Downtown preservation of historic properties, first floor retail activity, pedestrian access and convenience, publicly-accessible open space, parking garages, the arts and housing.

- A) Basic Requirements: All development in the D-1 Zone shall conform to the use, density, bulk, parking, design review and other applicable requirements of the Providence Zoning Ordinance.
- B) Incentives - General: Two types of incentives are permitted in the D-1 Zone to encourage development that is compatible with the goals of the comprehensive plan: bonuses and transfer of development rights.
1. All requests for development incentives must be reviewed by the DRC at a public hearing in accordance with Section 903 of the Ordinance.
 2. The DRC may consider the physical changes required to the building or site if the incentive is granted, including interior alterations that affect the exterior appearance and character of the property, and may impose any conditions necessary to mitigate the visual impact of such changes, in accordance with the design regulations of this Section.
- C) Bonus Eligibility: A project shall be eligible for a bonus of increased building height and/or dwelling unit density if space is provided within the project for the uses, improvements or facilities set forth below. Bonuses may be added together, but shall in no case result in more than 30% additional building height or 100% additional dwelling unit density.

- 1. Active Ground-floor Uses: Active ground-floor uses shall include the publicly-accessible areas of restaurants, retail, cultural or entertainment facilities, or other uses determined by the DRC to promote pedestrian activity and commerce in Downtown. A minimum of 25% of the area of the ground floor of a building shall be dedicated to active uses to qualify for a bonus.
- 2. Publicly-Accessible Open Space: Publicly-accessible open space shall constitute areas of a lot that are made accessible to the public every day, year-round, during daylight hours, and that are maintained by the property owner. It is preferable that such areas contribute to a planned network of connected pedestrian and bike ways and parks.
- 3. Parking Garages: Parking garages shall be integrated into or on the same lot as a building for which a bonus is sought.

D) Schedule of Bonuses: If a proposed use, improvement or facility complies with the standards set forth in this section, it shall be eligible for a density bonus and/or height bonus. The density bonus is the percentage of increase in dwelling unit density. The height bonus is the percentage of increase in building height over the permitted zoning height. The schedule of bonuses is as follows:

- 1. Active Ground-floor Uses: The bonus is based on the percentage of ground-floor space dedicated to active ground-floor use.

% of Ground-Floor Area	Density Bonus	Height Bonus
25 to 50%	40%	10%
51 to 75%	70%	20%
76 to 100%	100%	30%

- 2. Publicly-Accessible Open Space: The bonus is based on the percentage of lot area dedicated to publicly-accessible open space.

% of Lot Area	Density Bonus	Height Bonus
10 to 15%	40%	10%
16 to 25%	70%	20%
>25%	100%	30%

- 3. Parking Garage: For each square foot of parking in a parking garage, an equivalent amount of floor area may be added to the building above the maximum height, not to exceed two additional stories.

E) Incentives - Transfer of Development Rights: Development rights may be transferred from a building listed in the National Register of Historic Places for which the applicant donates a preservation restriction whose purpose is the preservation of the exterior of the building as of the date of the conveyance of such restriction to the Rhode Island Historical Preservation Commission. Structures on sending lots shall be restored and maintained as required by the DRC.

- 1. Standards: The gross building height that may be transferred from any sending lot to a receiving lot shall be the difference between the permitted zoning height as detailed on the Official Zoning Map of the city and the height of the existing building on the date of the transfer but in no case shall the receiving lot building height exceed the lesser of three hundred (300) feet or 1.6 times the permitted zoning height.

2. **Transfer of Development Rights Agreement:** The fee owners of sending and receiving lots shall execute a deed or other agreement which shall be recorded with the title to both lots. This agreement or deed shall be for a term which equals or exceeds the life of the project on the receiving lot for which the rights were transferred. The agreement or deed shall state that the development rights transferred from the sending lot to the receiving lot may not be reclaimed unless the project on the receiving lot or that portion of the project for which the rights were transferred is demolished. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by any party or by the city.
- F) **Bonuses, Continuing Character of Obligations:** Where a bonus is granted, the applicant shall covenant to ensure the continued use of the use, facility or improvement for the purposes for which the bonus was granted. The covenant shall be for a term of 20 years, unless the DRC specifically finds that another period of time would be in accordance with the purposes of this section. Such covenant shall be recorded on the land evidence records and shall run with the land.
- G) **Changes:** Any changes to the plan approved in accordance with the provisions of this section shall be considered a new application.

502.7 Sustainable Development: The regulations for the D-1 Zone are intended to foster environmental sustainability through promoting urban redevelopment, historic preservation, pedestrian activity, high-density of development, a mix of uses, waterfront access, and energy efficiency. In addition to other provisions of this Section, the provisions contained herein are intended to encourage sustainability and remove potential regulatory impediments to sustainable design and development practices in the D-1 Zone.

- A) **Applicability:** Any new construction or major alterations to existing buildings within the D-1 Zone shall be subject to the provisions of this Section.
- B) **Rooftop Uses & Structures:**
1. **Green Roofs:** A Green Roof shall be permitted. A Green Roof shall be defined as a roof surface on a building open to the sky and air surfaced with soil and living plants materials for the purposes of retaining rainfall, absorbing heat from sunlight, gardening, and for passive recreation.
 2. **Greenhouses:** A Rooftop Greenhouse shall be permitted. A Rooftop Greenhouse shall be defined as an enclosure or sheltered area used for the growing of food. A Rooftop Greenhouse shall not count as a floor and may exceed D-1 building height maximums by no more than 25' so long as it is set back a minimum of 10 feet from the building edge.
 3. **Solar Panels:** Solar panels may be located on the roof of a building but shall not be visible from within the right of way of an A Street abutting the property containing the building. Solar panels shall not count as a floor.
 4. **Wind Turbine Systems:** Rooftop Wind Turbines shall be permitted by waiver from the DRC and subject to the following provisions:
 - a. At-grade or ground-level wind turbine systems shall not be permitted.
 - b. Rooftop Wind Turbines shall be limited to a height of 15 feet above the roof or top of the parapet, whichever is greater. The DRC may waive this provision to allow taller structures.
 - c. Rooftop Wind Turbines shall be setback at least 20 feet from front, side, and rear building roof edges. The DRC may waive this provision to allow for less of a setback.

- d. Shadow flicker resulting from sunlight streaming through the wind turbine blades shall be confined to the roof of the subject structure. The DRC may waive this provision if it finds no negative impacts from shadow flicker.
 - e. Rooftop Wind Turbines shall comply with all noise limitations of the Providence Code of Ordinances.
- C) Sun-Shade Devices: Sun-Shade Devices are permitted so long as they provide shade from sunlight and achieve energy savings. Sun-Shade Devices may project into a public right-of-way by no more than eight feet.
- D) Parking: Parking spaces dedicated to car-sharing and electric car charging may satisfy off-street parking requirements set forth in this Ordinance.
- E) Bicycle Infrastructure: Bicycle Storage: For purposes of complying with off-street parking requirements, the provision of bicycle parking may count toward said requirement at a ratio of four at-grade and sheltered bicycle parking spaces for every one vehicle parking space. Provision shall be made for bicycles to be securely locked.

ARTICLE VI – SIGNS

607.5 - D-1 and D-2 Zones:

- A) D-1 Zones: See Section 502.2CB for sign regulations for D-1 Zones.

608.2 - Signs in the Downcity Overlay DistrictD-1 Zone: All signs, including window signs, in the ~~Downcity Overlay District~~D-1 Zone shall be subject to approval by the DRC or its staff.

ARTICLE VII – PARKING AND LOADING

703.2 Parking Requirements for All Other Zones:

4.0 General Services

USE CODE	USE	PARKING SPACES
41 thru 4849	Office for Finance, Insurance and Real Estate; Personal and Business Service; Professional Service; Contract Construction Service; Warehousing and Storage; <u>Research and Development</u>	1 per 500 sq.ft. GFA

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ARTICLE X – DEFINITIONS

A-Streets: Streets designated on the Official ~~Overlay-Zoning District~~-Map for the ~~Downcity District~~D-1 Zone. Buildings facades that front on these streets are subject to more stringent design and development regulations than building facades that front on B-Streets as detailed in this Ordinance.

Addition: When used in Section 502, in the Downcity District, a structure added to an existing structure on an A Street or visible from the sidewalk of an A Street.

Alteration: An action that changes one (1) or more of the exterior architectural features of a structure or its appurtenances, including but not limited to the erection, construction, reconstruction, or removal of any structure or appurtenance. A major alteration is a change in materials, design, dimensions, configuration, texture and visual appearance, which will permanently affect the integrity or character of a structure. A minor alteration is a reversible change which will not permanently affect the integrity or character of a structure.

B-Streets: Streets designated on the Official Overlay-Zoning District Map for the Downcity District D-1 Zone. Buildings facades that front on these streets are subject to less stringent certain design and development regulations than building facades that front on A-Streets as detailed in this Ordinance. Regulations for B-Streets are less stringent than those for A-Streets.

Research and Development: Physical, chemical and biological research and/or experimentation involving but not limited to controlled simulation of factors, development of prototypes, chemicals, commodities, pharmaceuticals, information technology, electronics and instrumentation for academic and industrial purposes. Light manufacturing may be included as an ancillary use. Laboratories are not to exceed Biosafety Level Three as regulated by the U.S. Department of Health and Human Services, Center for Disease Control and Prevention the National Institute of Health.

Streetwall: A wall set on a Frontage Line, in the absence of a Facade.

APPENDIX A


49 Research and Development
See Definitions



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SECTION 2: The Official Zoning Map shall be amended according to the attached two maps, which show existing and proposed zoning district boundaries. There are no changes to historic districts; therefore they are not depicted.


SECTION 3: The Downtown Zoning as approved by City Council will be reevaluated within five years of its passage by the Department of Planning and Development and the City Plan Commission, with a presentation and report to City Council, defining the success of the zoning in forwarding the objectives of the Comprehensive Plan, including economic development, community character, preservation, transportation, and other goals. The report may also recommend changes to the zoning as relevant to increase its effectiveness and responsiveness.

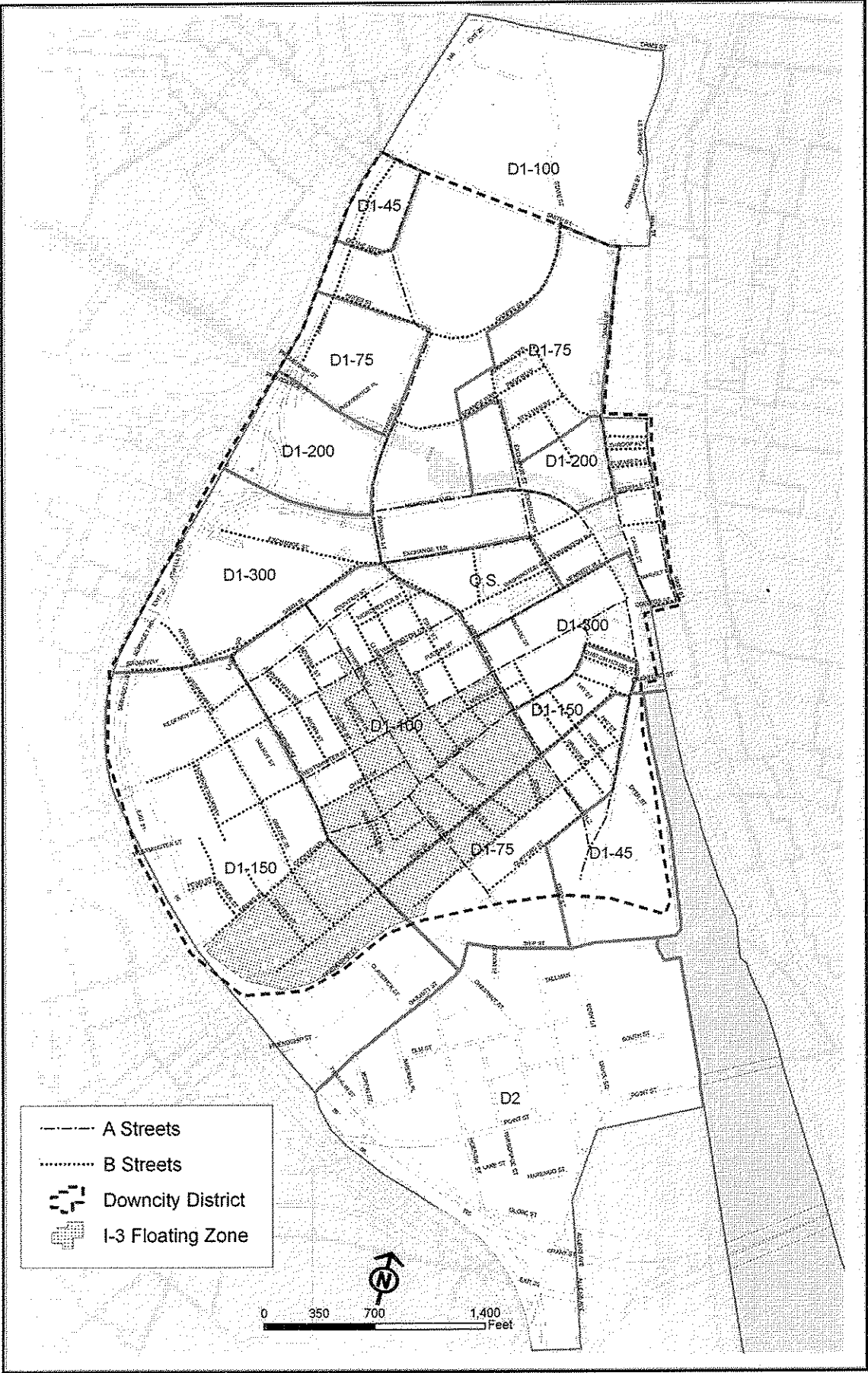
SECTION 4: This Ordinance shall take effect upon passage and publication as prescribed by law.

IN CITY COUNCIL
APR 30 2012
FIRST READING
READ AND PASSED
 CLERK

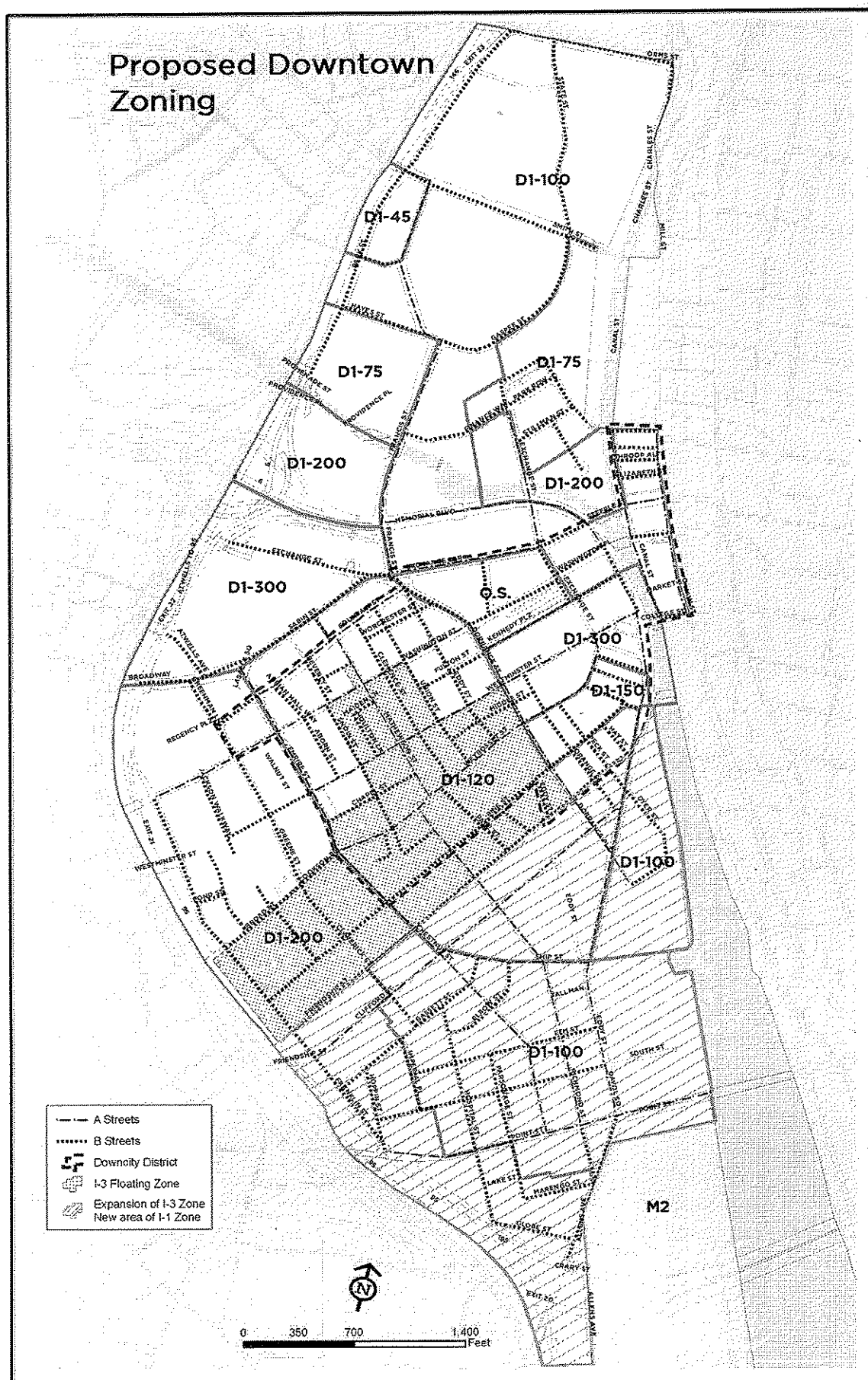
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FINAL READING
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 PRESIDENT
 CLERK

I HEREBY APPROVE.


Mayor
Date: 5/5/12



Existing Zoning Map



Proposed Zoning Map