

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2006-2

No. 7 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 JUNE 27, 1994, AS AMENDED.

Approved January 29, 2006

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 as follows (the text to be removed is crossed out; the new text is underlined):

(a) Amend Article III, Section 303, Table 1.0 as follows:

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS	CD
14.2	Left, Commercial Artist Live-Work Space-Low Intensity⁷	N	N	N	N	N	S	S	S	Y	Y	S	Y	N	Y ²⁸	<u>SY</u>	N	N	Y	S	N	N	N
14.3	Live-Work Space-High Intensity⁷	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

7. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns, including any lessees of the artist's studio/dwellings. See Section 426 for specific regulations.

8. Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity.

(b) Amend Article IV by adding the following section:

Section 426 - Regulations for Live Work Space:

A) Minimum Dwelling Size -Live-Work Space shall consist of a single, enclosed, private space of 750 square feet or more; where no more than 33% of the volume of the total space is devoted to living purposes, with the remainder dedicated to work space.

B) Maximum Number of Occupants - The maximum allowable number of related and/or non-related persons living in a unit shall be as follows:

IN CITY COUNCIL
SEP 15 2005
FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES
Cairo & Butler Clerk

THE COMMITTEE ON
Ordinances
Recommends
Ann M. Stein Clerk
Rec. 8.2005

THE COMMITTEE ON
Ordinances
Recommends Recontinued
Cairo & Butler Clerk
Rec. 14.2005

THE COMMITTEE ON
ORDINANCES
Approves Passage of
The Within Ordinance, as amended
Cairo & Butler Clerk
Rec. 21.2005

Councilwoman W. Kurzo (By Request)

Live-Work Space-Low Intensity (Use Code 14.2)- – maximum of 3 (three) related and/or non-related persons living in a unit.

Live-Work Space – High Intensity (Use Code 14.3) – maximum of 6 (six) related and/or non-related persons living in a unit.

To calculate the maximum number of occupants allowed in each unit for zoning purposes, use the following formula. All numbers shall be rounded down to the nearest whole number and in no case shall the number derived by the formula exceed the maximum number of occupants identified above.

Maximum Number of Occupants = (Total Unit Size*0.33)/150

- C) Restrictive Covenant – M-1 and M-2 Districts – Dwellings shall not be located where they may restrict or disrupt industrial activity. As such, the owner(s) of a building seeking such a Live-Work Space use in an M-1 or M-2 District must sign and record a covenant and equitable servitude, on a form acceptable to the director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns, including any lessees of the Live-Work space.
- D) Parking – A minimum of 1.5 parking spaces shall be provided for each dwelling unit up to 1,500 square feet; 1 additional parking space shall be provided for each additional 1,000 square feet per dwelling unit.
- E) Other Codes – The regulations contained in this section in no way exempt live-work space from complying with the requirements of any other applicable codes, including but not limited to Building, Fire, and Housing Codes.

(c) Amend Article X as follows:

1000.83 - Household: One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- (a) A family, which may also include servants and employees living with the family; or
- (b) A person or group of not more than three (3) unrelated persons living together; or
- (c) A person or group of persons living together in a Live-Work Space.

1000.93 – Live-Work Space: a structure or portion of a structure combining a dwelling unit or rooming unit with an integrated work space principally used by one or more of the residents.

~~Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. [Ord. 2001-24]~~

1000.94 - Loft, Commercial Artist: ~~A dwelling unit established in an existing non-residential building used or designed to be used by artists or craftspeople to create works of art or crafts and which may also be used by such artists or craftspeople to reside in. Such residency shall be limited~~

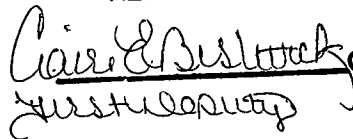
~~to one household per dwelling unit. Works of art or craft shall mean items that are created primarily for purposes of aesthetic enjoyment, and not solely for practical purpose, including but not necessarily limited to, paintings, drawings, lithographs, and other similar media; sculpture, using a variety of two dimensional representations; photographs, film, video, prints and other visual and electronic media; textiles and costumes; jewelry; pottery; art objects made of glass, precious and semi-precious metals, stones and the like; lighting used for artistic purposes; performance arts including dance, music and theater including lessons, practice, rehearsal and actual performances whether for live audiences, taped or filmed~~Reserved.

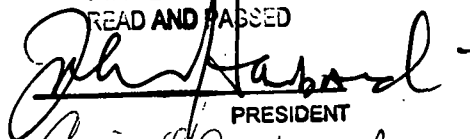
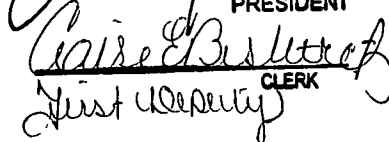
(d) Amend Appendix A as follows:

~~14.2-14.3 Loft, Commercial Artist Live-Work Space
Commercial artist loft space used, or designed to be used by artists or craftspeople to create works of art or crafts, and which may also be used by artists to reside in. Such residency shall be limited to one household per dwelling unit.~~See Article X – Definitions.

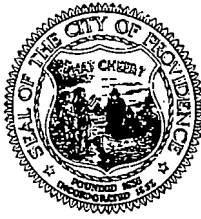
Section 4: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

Section 5: This Ordinance shall take effect upon passage.

IN CITY COUNCIL
JAN 5 2006
FIRST READING
READ AND PASSED
 **CLERK**
Justus Lopez

IN CITY COUNCIL
JAN 19 2006
FINAL READING
READ AND PASSED
 **PRESIDENT**
 **CLERK**
Justus Lopez

APPROVED
 1/29/06
MAYOR



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

November 1, 2005

Honorable Rita Williams, Chair
Ordinance Committee
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Re: Proposed Zoning Ordinance Amendment to delete the 'Commercial Artist Loft Use Code' and replace it with a 'Live-Work Space Use Code'

Dear Councilwoman Williams:

At a regular meeting of the City Plan Commission on October 18, 2005, and pursuant to Section 1100 of the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, as amended, the Commission reviewed a proposal for the above-captioned amendment to the Ordinance. The Commission voted unanimously as described below to make certain findings of fact and to recommend that the proposed ordinance be approved.

Findings of Fact

Section 1101 of the Zoning Ordinance requires that the City Plan Commission find that the proposed amendments to the Zoning Ordinance are consistent with the Comprehensive Plan and the purpose of the Zoning Ordinance.

The proposed amendment is consistent with the Comprehensive Plan, specifically Policy E in Section A2, Downtown, (Section 4.1.2 Land Use: Goals and Policies for Uses) and the goals and policies in Section 4.2.1 Housing: Goals and Policies for areas, that encourage a diversity of housing types and programs to increase affordability of housing stock.

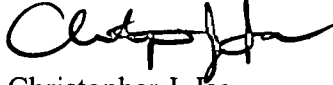
The proposed amendment is consistent with the purpose of the Zoning Ordinance as outlined in Section 100 of the Ordinance.

Recommendation

The Commission recommends approval of the proposed amendment based on the Findings of Fact with the following change:

1. Amend Appendix A to change Use Code 14.2 to Live-Work Space, delete the existing description of commercial artist loft and refer to the definition of live-work space.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Ise', with a stylized flourish at the end.

Christopher J. Ise
Administrative Officer

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: October 7, 2005

TO: Councilwoman Josephine DiRuzzo

SUBJECT: **SEE ATTACHED PETITION**

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

DISPOSITION: Enclosed please find a copy of a petition for a zoning change for Live Work Space. This request was in City Council on September 15, 2005, and referred to the Committee on Ordinances. A copy of said petition has been sent to the City Plan Commission for placement on the next agenda, in accordance with Section 1100 of the Zoning Ordinance which states ".....immediately upon receipt of the proposal, the city clerk shall refer the proposal to the council and the commission for study and recommendation..."

Anna M. Stetson
City Clerk
Second Deputy

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: October 7, 2005

TO: Christopher Ise, Department of Planning & Development

SUBJECT: **SEE ATTACHED PETITION**

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

DISPOSITION: I have enclosed a copy of a petition for a zoning change for Live Work Space for placement on the next agenda of the City Plan Commission. Once this matter is heard could you please forward a copy of the decision to my attention in order that we may place it on the agenda. Please contact me at 421-7740, extension 568 if you have any questions or need further information.

Anna M. Stetson
Second Deputy City Clerk

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **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 JUNE 27, 1994, AS AMENDED.

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14.2	<u>Live-Work Space</u>	N	N	N	N	N	S	S	S	Y	Y	S	Y	N	Y	Y	N	N	Y	S	N	N	N

7. See Section 426 for specific regulations.

(b) Amend Article IV by adding the following section:

Section 426 - Regulations for Live Work Space:

A) Minimum Dwelling Size - Live-Work Space shall consist of a single, enclosed, private space of 300 square feet or more, where at least one-half of the volume of the total space is devoted to work space and the remainder is for living purposes. A minimum of 150 square feet of living and sleeping space per person occupying such work/live space shall be required. The maximum allowable number of related and/or non-related persons living in a unit shall be as follows:

C-1, C-2, C-4, R-P, and W-1 Districts - maximum of 3 (three) related and/or non-related persons living in a unit.

D-1, D-2, W-2, M-1, M-2, and I-3 Districts - maximum of 6 (six) related and/or non-related persons living in a unit.

B) Restrictive Covenant - M-1 and M-2 Districts - Dwellings shall not be located where they may restrict or disrupt industrial activity. As such, the owner(s) of a building seeking such a use in an M-1 or M-2 District must sign and record a covenant and equitable servitude, on a form acceptable to the director, that acknowledges that the owner(s) and occupants of the building accept the

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Deleted: <#>Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity.¶

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industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns, including any lessees of the Live-Work space.

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(c) Amend Article X as follows:

1000.83 - Household: One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

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1000.94 - Reserved.

Deleted: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. [Ord. 2001-24]

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Kathy Rossi

From: Ethan Colaiace [e.colaiace@sber.com]
Sent: Tuesday, August 30, 2005 3:48 PM
To: Kathy Rossi
Cc: Linda Painter
Subject: Live work ordinance -- for DiRuzzo

Hi Kathy: It was nice speaking with you today. Attached is the live-work ordinance that we have worked on with the Department of Planning and Development. According to Linda Painter, if we can get a verbal approval ✕ from Councilwoman DiRuzzo that she will sponsor the ordinance tomorrow, it can get on the next City Council docket.

Thanks in advance for your help in getting this across the Councilwoman's desk.

Best regards,
Ethan Colaiace

<<Live-Work Ordinance.doc>>

Ethan Colaiace
Deputy Development Director
Struever Bros. Eccles & Rouse, Inc.
166 Valley Street, Building 6M, Suite 103
Providence, Rhode Island 02909

tel: 401/574-2113
fax: 401/574-2141
<http://www.sber.com>

>>PLEASE NOTE THE NEW OFFICE ADDRESS, PHONE NUMBER AND FAX NUMBER<<

*FAX to JTD @ work
Wed 8/31 462-85 30 FAX*
