

City of Providence

STATE OF RHODE ISLAND

CHAPTER 2023-43

NO. 489 **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 ARTICLES 2, 4, 5, 6, 8, 9, 12, 17, 18, 19 AND 20**

Approved December 13, 2023

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 and deletions struck out:

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

201 DEFINITION OF GENERAL TERMS

Adaptive Reuse. The conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

Administrative Officer. The municipal official(s) designated by the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23 to administer the land development and subdivision regulations, to review and approve qualified applications, and/or to coordinate with local boards and commissions, municipal staff, and state agencies.

Development Plan Review. The process whereby authorized local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of this Ordinance. Design or site plan review of a development of a permitted use as required by this ordinance and the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23.

Major Alterations and Additions. Changes in materials, design, dimensions, configuration, texture and visual appearance, which will permanently affect the integrity or character of a structure. Examples of projects in this category include: changes to rooflines, cornice lines, and rooftop structures; changes to window and door openings and configurations; creating new openings or blocking up existing ones; installation or removal of bays, oriels, and balconies; changes to storefronts, steps and entryways; cladding exterior walls in a new material; removal or alteration of significant ornamentation; barrier-free access improvements; installation of fire escapes; and large additions (including elevator and stair towers).

Minor Alterations and Additions. Reversible changes which will not permanently affect the integrity or character of a structure. Examples of projects in this category include awnings and canopies, signs, replacement windows and doors, storm windows and doors, skylights, satellite dish antennae and other mechanical or electrical equipment; also, small additions such as roof decks, elevator and stair headhouses.

Repairs, Replacement and Restoration. Work intended to remedy damage or deterioration, which will result in a change in the type of materials, dimensions, design, configuration, texture or visual appearance. May include repointing, chemical or mechanical cleaning, sealing, painting and patching of masonry. Also, restoration of altered or missing features to their appearance at a previous point in time, using physical, documentary or historical evidence.

Variance. Permission to depart from the literal requirements of the Zoning Ordinance. An authorization for the construction or maintenance of a structure, or for the establishment or maintenance of a use of land that is prohibited by this Ordinance. There are only two categories of variance, a use variance or a dimensional variance.

1. **Use Variance.** Permission to depart from the use requirements of this Ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the Zoning Ordinance under the applicable standards set forth in Rhode Island General Laws §45-24-41.

TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS						
Key:						
SF = Single-Family // SD = Semi-Detached // 2F = Two-Family						
3F = Three-Family // RH = Rowhouse // MF = Multi-Family						
	R-1A	R-1	R-2	R-3	R-4	RP
Minimum Lot Width	SF—Existing Lots: None	SF—Existing Lots: None	SF—Existing Lots: None	SF—Existing Lots: None	SF—Existing Lots: None	SF—Existing Lots: None
	New Subdivisions 75'	New Subdivisions: 50'	New Subdivisions: 50'	New Subdivisions: 50'	New Subdivisions: 35'	New Subdivisions: 50'
	Non-Residential: 75'	Non-Residential: 50'	2F—Existing Lots: 40'	2F & 3F—Existing Lots: 35'	2F, 3F & MF—Existing Lots: 35'	2F—Existing Lots: 35'
			Non-Residential: 50'	RH: 50' minimum with at least 12'/du Non-Residential: 50'	RH: 35' minimum with at least 12'/du Non-Residential: 35'	3F, MF & Non-Residential: 50' RH: 50' minimum with at least 12'/du MF: 50' minimum with at least 12'/du Non-Residential: 50'
Total Minimum Pervious Surface Coverage	1,000 sf	1,000 sf	1,000 sf	1,000 sf	1,000 sf	1,000 sf
Setback Requirements						
Minimum Interior Side and Minimum Corner Side Setback	Lot width 40' or less: 4'	Lot width 40' or less: 4'	Lot width 40' or less: 4'	Lot width 40' or less: 4'	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4'
	Lot width more than 40' and less than 60': 6'	Lot width more than 40' and less than 60': 6'	Lot width more than 40' and less than 60': 6'	Lot width more than 40' and less than 60': 6'		Lot width more than 40' and less than 60': 6'
	Lot width 60' or more: 10'	Lot width 60' or more: 10'	Lot width 60' or more: 10'	Lot width 60' or more: 10'		Lot width 60' or more: 10'
Minimum Rear Setback	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'	25% of lot depth or 25', whichever is less 30'

ARTICLE 5. COMMERCIAL DISTRICTS

503 DESIGN STANDARDS

The following design standards apply to new construction, including additions to existing structures, and substantial repair or rehabilitation of the exterior façade of an existing structure. In the case of repair or rehabilitation, only those standards that relate to the specific actions taken apply. The City Plan Commission~~permitting authority~~ may waive these design standards as part of City Plan Commission~~through~~ Development Plan Review (Section 1906).

ARTICLE 6. DOWNTOWN DISTRICT

600	PURPOSE STATEMENTS
601	USES
602	DIMENSIONAL STANDARDS
603	DEVELOPMENT INCENTIVES
604	DEVELOPMENT AND DESIGN STANDARDS
605	DESIGN STANDARDS FOR ALTERATIONS TO EXISTING BUILDINGS
606	DESIGN STANDARDS FOR NEW CONSTRUCTION
607	GENERAL STANDARDS OF APPLICABILITY

600 PURPOSE STATEMENTS**A. D-1 Downtown District**

The purpose of the D-1 District 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 District shall be regulated and approved through development plan review in accordance with the provisions of this Section. The permitting authority for development plan review in the Downtown District is set forth in Article 19.

604 DEVELOPMENT AND DESIGN STANDARDS**C. Fences and Walls**

Fences and walls are permitted subject to the following regulations. The ~~Downtown Design Review Committee~~permitting authority may grant waivers to these provisions.

E. Mechanical Equipment

3. The ~~Downtown Design Review Committee~~permitting authority 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.
4. The ~~Downtown Design Review Committee~~permitting authority may waive regulations pertaining to roof mechanical equipment to permit up to 100% of the roof to be covered by such structures without counting as an additional story.

G. Off-Street Parking

2. Access to parking lots and structures from A Streets is permitted only when the lot has no frontage on a B Street. The ~~Downtown Design Review Committee~~permitting authority may waive this provision.
4. Surface parking is strongly discouraged in the D-1 District, and is permitted only by waiver from the ~~Downtown Design Review Committee~~permitting authority as an accessory use subject to the following conditions:
 - b. On a lot with A Street frontage, accessory use parking lots are prohibited 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 ~~Downtown Design Review Committee~~permitting authority. Such areas may contain hardscape elements. (Figure 6-3)
 - c. Along B Streets, surface parking shall be separated from the public right-of-way by a landscaped strip in accordance with Section 1504. The ~~Downtown Design Review Committee~~permitting authority may require fences and/or walls to buffer the parking.
 - d. The ~~Downtown Design Review Committee~~permitting authority may impose a time limit on the waiver that permits surface parking.
 - g. The ~~Downtown Design Review Committee~~permitting authority may impose further conditions to ensure that surface parking areas do not have a negative impact on the surroundings.

H. Loading

Off street loading docks and areas shall be provided in accordance with Article 14 of this Ordinance and the following provisions:

1. Access to loading docks and areas from A Streets is permitted only when the lot has no frontage on a B Street. The ~~Downtown Design Review Committee~~permitting authority may waive this provision.

I. View Corridors

1. View corridors are hereby 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 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 ~~Downtown Design Review Committee~~permitting authority may waive this provision.

605 DESIGN STANDARDS FOR ALTERATIONS TO EXISTING BUILDINGS

All exterior work on existing buildings in the D-1 District is subject to approval by the ~~Downtown Design Review Committee or its staff~~permitting authority 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 Providence. These standards are intended to preserve and restore the architectural integrity and historic character of buildings in the D-1 District.

- A. The existing scale and proportions of buildings and streetscapes shall be preserved. The ~~Downtown Design Review Committee and its staff~~ permitting authority shall review the following:
 3. The restoration or reconstruction of a building that has been altered through the years, using the Secretary's Standards as guidelines. The Downtown Design Review Committee or ~~its staff~~ permitting authority should consider pictorial, documentary or physical evidence of the original configuration when reviewing applications.

606 DESIGN STANDARDS FOR NEW CONSTRUCTION

All new construction, including additions of 5,000 square feet of gross floor area shall be approved by the ~~Downtown Design Review Committee or its staff~~ permitting authority and regulated by these standards. The purpose of these standards is to preserve the urban fabric of Downtown Providence and ensure that new construction complements the historic character and architectural integrity of existing structures. The following are minimum standards for all new construction:

A. Building Height and Massing

1. Buildings shall be at least three stories in height. The ~~Downtown Design Review Committee~~ permitting authority may grant a waiver to allow a building of two stories. (Figure 6-5)
2. Building height and massing shall relate to adjacent structures. (Figure 6-5) This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority.
4. On both A and B Street facades, buildings over six stories shall have a recess line of at least ten feet above the third story and below the seventh story. The recess line should relate to the form of any buildings adjacent to or across the street from the building. The ~~Downtown Design Review Committee~~ permitting authority 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. (Figure 6-5)

B. Building Materials

3. Exterior insulating finish systems (EIFS) is permitted on the ground floor by waiver from the Downtown Design Review ~~Committee~~ permitting authority. An application for waiver under this subsection shall be approved provided that the following conditions are satisfied:

C. Entrance Design

2. Buildings shall be designed to have multiple entrances, with no more than 35 feet between entrances. This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority.

D. Façade Design

1. 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 604.G.4. (Figure 6-6)
 - a. Where the lot frontage is curved, the façade shall follow. The ~~Downtown Design Review Committee~~ permitting authority may grant a waiver to permit the building to be built on the chord or the tangent. This provision may be waived by the ~~Downtown Design Review Committee~~.
2. A building façade shall have a transition line. Transition lines shall be designed in proportion to the overall height and mass of the proposed building to create a distinction between upper and lower stories. Transition lines shall relate to existing adjoining buildings (Figure 6-7). This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority.

E. Fenestration Design

1. All building facades shall provide areas of transparency equal to at least 70% of the wall area, between the height of one and 12 feet from the ground, of each building façade. This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority. (Figure 6-8)
2. Blank walls shall be separated by areas of transparency of at least three feet in width. This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority. (Figure 6-8)
3. Upper story façade shall provide areas of transparency equal to at least 35% of the wall area of the story. For parking structures, the area of transparency may be met with windowless openings. This provision may be waived by the ~~Downtown Design Review Committee~~ permitting authority. (Figure 6-8)

F. Parking Structure Design

The following design standards apply to the construction of new parking structures, and may be waived by the ~~Downtown Design Review Committee~~ permitting authority.

ARTICLE 8. INDUSTRIAL DISTRICTS

[illegible]

Table 12-1: Use Matrix																						
Key: P = Permitted // S = Special Use																						
Use	R-1 A	R-1	R-2	R-3	R-4	R-P	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-M U	I-1	I-2	P-S	O-S	C-D	Use Standards	
	P	P	P	P	P	P																
Reception Facility								P	P	S P	P				P							
Rehabilitation Center								S	S	P	S		P			P	S				Sec. 1202. X	
Research and Development							S P	S P	S P	P	S P	P	P	P	P	P	P					
Restaurant - more than 3,500sf GFA							S P	P	P	P	P		P		P	P	P					
Retail Goods Establishment - More than 3,500sf GFA							S P	P	P	P	P	P	P		P	P	P					
Ship and Boat Building/Repair											S P	P	P	P	P							
Solar Energy System (Principal Use)											P S	P S	P	P	P						Sec. 1202. Y	
Specialty Food Service							S P	P	P	P	P		P	P	P							
Transitional Shelter								S	S	S			S								Sec. 1202.I	
Vehicle Rental								S	P	S	P		P	P	P						Sec. 1202. AA	
Warehouse									S P		P	P	P	P	P							
Wholesale Establishment - Fully Enclosed									S P		P	P	P	P	P							

1202 PRINCIPAL USE STANDARDS:

K. Dwelling: Multi-Family or Rowhouse

7. Adaptive Reuse for the conversion of any commercial or industrial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments shall be permitted subject to the following standards:
- a. There are no prohibitions preventing the conversion to residential use by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.
 - b. The conversion shall include the development of at least 50% of the existing gross floor area into residential units.
 - c. Non-residential uses may be provided if they are permitted by right or special use in the zoning district pursuant to Table 12-1.
 - d. The residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing.

L. Dwelling: Single-Family, Two-Family, Three-Family, or Semi-Detached

7. Adaptive Reuse for the conversion of any commercial or industrial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments shall be permitted subject to the following standards:
- There are no prohibitions preventing the conversion to residential use by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.
 - The conversion shall include the development of at least 50% of the existing gross floor area into residential units.
 - Non-residential uses may be provided if they are permitted by right or special use in the zoning district pursuant to Table 12-1.
 - The residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing.

P. Gas Station

- Gas stations require staff-level administrative Development Plan Review.

S. Materials Processing

- Materials Processing requires administrative Development Plan Review ~~by the staff level Development Plan Review Committee.~~

Z. Tank Farm

- Tank Farms require administrative Development Plan Review ~~by the staff level Development Plan Review Committee.~~

X. Residential Care Facility and Rehabilitation Center

- Residential care facilities and rehabilitation centers shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
- Residential care facilities and rehabilitation centers shall meet the design standards for multi-family dwellings.

AA. Vehicle Dealership/Repair/Service and Vehicle Rental

- Vehicle dealership/repair/service and vehicle rental establishments shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of five feet and a maximum of seven feet in height.

FF. Utility and Power Plant

- The utility and power plant ~~shall~~ may be enclosed by a perimeter fence up to eight feet in height, including ingress and egress.
- Fences or walls along the front or corner side lot line of the utility and power plant shall be set back a minimum of 5 feet. Within that setback, one shrub a minimum of three feet in height shall be planted linearly every three feet on-center along such fence or wall.

GG. Funeral Home

- A funeral home shall not provide parking in excess of 135% of the required parking spaces of Table 14-1.
- A funeral home parking lot shall be screened and landscaped in accordance with the requirements of this Ordinance.

HH. Helipad/Heliport

- The design and location of helipads and heliports shall meet all applicable requirements of the Federal Aviation Administration.

II. Transitional Shelter

- A transitional shelter shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of four feet and a maximum of six feet in height.
- The premises of a transitional shelter, along with all adjacent streets, sidewalks, and alleys within 100 feet, shall be inspected regularly for the purpose of removing any litter or debris found thereon.
- Transitional shelter guests shall be provided with an enclosed waiting area one hour prior to opening, except when the shelter accepts guests by appointment only or is open 24 hours per day.
- The operator shall submit a management plan for the facility.

1204 USE DEFINITIONS

Day Care - Family Day Care Home. Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to ~~six or less individuals who are not relatives of the care giver, but may not contain~~ more than a total of ~~eight~~ twelve individuals receiving day care.

Dwelling - Accessory Dwelling Unit. ~~A dwelling unit rented to and occupied by one or more people with disabilities or who are 62 years of age or older and who are members of the family of the occupant or occupants of the principal residence. A residential living unit that provides complete independent living facilities for one or more persons on the same parcel where the primary use is an owner-occupied, legally established single-unit or multi-unit dwelling.~~

Dwelling – Adaptive Reuse. A residential or mixed-use structure converted from a previously commercial or industrial building, including offices, schools, religious facilities, medical buildings, and malls.

ARTICLE 17: ORDINANCE ADMINISTRATORS

1700	DESIGNEES
1701	CITY COUNCIL
1702	CITY PLAN COMMISSION
1703	ZONING BOARD OF REVIEW
1704	DOWNTOWN DESIGN REVIEW COMMITTEE
1705	I-195 REDEVELOPMENT DISTRICT COMMISSION
1706	CAPITAL CENTER COMMISSION
1707	HISTORIC DISTRICT COMMISSION
1708	STAFF LEVEL DEVELOPMENT PLAN REVIEW COMMITTEE <u>ADMINISTRATIVE OFFICERS</u>
1709	DIRECTOR OF THE DEPARTMENT OF INSPECTION AND STANDARDS
1710	DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
1711	CITY FORESTER
1712	CITY CLERK
1713	DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
1714	ZONING BOARD OF REVIEW ORGANIZATION AND PROCEDURES
1715	DOWNTOWN DESIGN REVIEW COMMITTEE ORGANIZATION AND PROCEDURES
1716	I-195 REDEVELOPMENT DISTRICT COMMISSION ORGANIZATION AND PROCEDURES
1717	CAPITAL CENTER COMMISSION ORGANIZATION AND PROCEDURES
1718	HISTORIC DISTRICT COMMISSION ORGANIZATION AND PROCEDURES
1719	STAFF LEVEL DEVELOPMENT PLAN REVIEW COMMITTEE ORGANIZATION <u>ADMINISTRATIVE OFFICERS APPOINTMENT AND PROCEDURES</u>

1704 DOWNTOWN DESIGN REVIEW COMMITTEE

The organization and procedures of the Downtown Design Review Committee are delineated in Section 1715 below. ~~The Downtown Design Review Committee and/or staff to the Downtown Design Review Committee~~ have the following powers, pursuant to this Ordinance:

- A. ~~To conduct~~ make final decisions on development plan review applications where required by this Ordinance.
- C. ~~To make final decisions on temporary use permit applications in the D-1 District.~~

1708 ~~STAFF LEVEL DEVELOPMENT PLAN REVIEW COMMITTEE~~ ADMINISTRATIVE OFFICERS

~~The organization of the staff level Development Plan Review Committee is delineated in Section 1719 below. The staff level Development Plan Review Committee has~~ The administrative officers have the following powers, pursuant to this Ordinance:

- A. To make final decisions on ~~staff level development plan review applications~~ where required by this Ordinance.

1709 DIRECTOR OF THE DEPARTMENT OF INSPECTION AND STANDARDS

The Director of the Department of Inspection and Standards, or his/her designee, is the zoning enforcement officer and has the following powers, pursuant to this Ordinance:

- A. To make final decisions on administrative modification applications.
- B. To make final decisions on certain temporary use permit applications.
- C. To make final decisions on zoning interpretation applications.
- D. To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance and, in case of any violation, order corrective action.

1715 DOWNTOWN DESIGN REVIEW COMMITTEE ORGANIZATION AND PROCEDURES

A. Organization

The Downtown Design Review Committee is established as a ~~development plan review body technical review committee~~ to conduct development plan review in the D-1 District and ES Overlay District. ~~The~~

~~Director of the Department of Planning and Development, or his/her designee(s), serving as staff to the Downtown Design Review Committee, is also established as a development plan review body to conduct development plan review in the D-1 District and ES Overlay District. All development in the district is reviewed and approved by the Downtown Design Review Committee or its staff in conformance with this section.~~

B. Procedures

~~1. All procedures of the Downtown Design Review Committee are set forth in the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23.~~

~~1. Adoption of Rules~~

~~The Downtown Design Review Committee and its staff will adopt and publish all rules necessary to carry out their functions. These rules shall include:~~

- ~~a. Procedures for accepting, processing, and reviewing applications.~~
- ~~b. 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 Downtown Design Review Committee and staff.~~
- ~~c. Providing design guidance for interpreting the regulations contained herein pertaining to alterations, new construction, and demolition.~~

~~2. Conduct of Business~~

~~The Chair will preside over all Downtown Design Review Committee meetings and has the right to vote, and make and second motions. The Vice Chair will, in the case of absence or disability of the Chair, perform the duties of the Chair. All meetings of the Downtown Design Review Committee are open to the public.~~

~~3. Quorum~~

~~Three members constitute a quorum.~~

~~4. Required Vote~~

~~The concurring vote of three members of the Downtown Design Review Committee is necessary to approve an application for a major alteration, addition, or new construction. The concurring vote of four members of the Downtown Design Review Committee is necessary to approve an application for a waiver, development incentive, or demolition.~~

~~5. Public Hearing~~

~~The Downtown Design Review Committee shall hold a public hearing on any request for a waiver or a development incentive in accordance with Section 1801-D.~~

~~6. Record~~

~~The Downtown Design Review Committee shall keep a record of all proceedings, findings, decisions, and actions, and the record is 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 will be issued until the waiver or development incentive is properly recorded in Land Evidence Records. Failure by the applicant to file the decision within 30 days after its issuance causes said decision automatically to become null and void.~~

**1719 STAFF LEVEL DEVELOPMENT PLAN REVIEW COMMITTEE ORGANIZATION
ADMINISTRATIVE OFFICERS APPOINTMENT AND PROCEDURES**

~~The staff level Development Plan Review Committee is hereby established. The staff level Development Plan Review Committee is composed of the Director of the Department of Inspection and Standards, or his/her designee, the Director of the Department of Planning and Development, or his/her designee, and the City Forester, or his/her designee. The administrative officers are appointed by the City Plan Commission pursuant to the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23. All procedures of the administrative officers are set forth in the development review regulations.~~

ARTICLE 18. APPLICATION AND NOTICE PROCEDURES

1800 APPLICATION

A. Filing of Applications

1. All applications shall be filed with the appropriate official as described in Table 18-1: Filing of Applications:

TABLE 18-1: FILING OF APPLICATIONS

APPLICATION	OFFICIAL OR HIS/HER DESIGNEE
Staff Level Administrative Development Plan Review	Director of Department of Planning and Development
City Plan Commission <u>Formal</u> Development Plan Review	Director of Department of Planning and Development
Downtown Design Review Committee D-1 District <u>Formal</u> and <u>Administrative</u> Development Plan Review	Director of Department of Planning and Development
Institutional Master Plan <u>Formal</u> Development Plan Review	Director of Department of Planning and Development

B. Pre-Application Conference

Prior to formal submittal of an application, the applicant may request a pre-application conference with the Department of Planning and Development and/or applicable review body or official. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application. This process is required for all land development projects and development plan review pursuant to Rhode Island General Laws §45-23.

C. Completeness

- 2. The official designated for receipt of an application, or his/her designee, will examine the application for completeness. If the application does not include all the submittal requirements for the application, the official will reject the application and provide the applicant with the reasons for the rejection. The official will take no further steps to process the application until all deficiencies are remedied. ~~The following exceptions to this standard for completeness review apply:~~
 - ~~a. Downtown Design Review Committee staff will determine if an application for Downtown Design Review Committee Development Plan Review is complete within 30 days. For incomplete applications, Downtown Design Review Committee staff will notify the applicant, in writing, of all deficiencies in the application.~~
 - ~~b. City Plan Commission staff will determine if an application for Institutional Master Plan Development Plan Review is complete within 14 days. Staff shall notify the applicant, in writing, that the submission is complete or return the plan or amendment as incomplete indicating what information is required.~~

G. Fees

- ~~5. The fee for an application for Development Plan Review is as follows:~~
 - ~~a. Institutional Master Plan: \$500~~
 - ~~b. Downtown Design Review Committee Development Plan Review:~~
 - ~~i. New Construction and Demolition: \$400~~
 - ~~ii. Major Alterations: \$100~~
 - ~~iii. Minor Alterations: \$50~~
 - ~~iv. Waiver or Development Incentive: add \$100 to above categories~~
 - ~~c. Staff Level Development Plan Review: \$100~~
 - ~~d. City Plan Commission Development Plan Review:~~
 - ~~i. Educational Facilities Primary or Secondary: \$200~~
 - ~~ii. Waivers from design regulations: \$50~~
- ~~65. The fee for an application fees for a Land Development Projects and development plan review is are established by the City Plan Commission in its development review regulations. the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23.~~
- 76. The fee for a temporary use permit is \$50.

1801 NOTICE

B. City Council Notice

- 1. No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the City Council. The City Council shall give published notice of the public hearing for a change to this Ordinance by publication of notice in a newspaper of general local circulation within the City at least once each week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. The

same notice shall be posted in the city clerk's office and one other municipal building in the City and the City must make the notice accessible on the municipal home page of its website at least 14 days prior to the hearing. Written notice, which may be a copy of the newspaper notice. The notice shall be mailed to the statewide planning program of the department of administration, and, where applicable, to the parties specified in Sections 1801.B.2, 3, 4, and 5, at least two weeks 14 days prior to the hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles ~~announced~~ shall:

- c. Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or may summarize or describe the matter under consideration as long as the intent and effect of the proposed regulation is expressly written in that notice; or summarize and describe the matter under consideration;
3. Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required by Section 1801.B.1, with the additional requirements that:
 - b. Written notice of the date, time, and place of the public hearing and the nature and purpose of the hearing shall be sent to all owners of real property whose property is located in or within not less than 200 feet of the perimeter of the area proposed for change, whether within the City or within an adjacent city or town. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by ~~registered, certified, or first-class~~ mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided, for any notice sent by first-class mail, the sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, ~~PS form 3817, or any applicable version thereof, to demonstrate proof of submit a notarized affidavit to attest to such mailing.~~
6. The City shall establish and maintain a public notice registry allowing any person or entity to register for electronic notice of any changes to this ordinance. The City shall provide public notice annually of the existence of the electronic registry by publication of notice in a newspaper of ~~general-local~~ circulation within the City. In addition, the City is hereby encouraged to provide public notice of the existence of the public notice registry in all of its current and future communications with the public, including, but not limited to, governmental websites, electronic newsletters, public bulletins, press releases, and all other means the City may use to impart information to the local community. However, notice pursuant to a public notice registry as per this requirement, does not alone qualify a person or entity on the public notice registry as an aggrieved party, per Rhode Island General Laws §45-24-31(4).
8. ~~Costs of any notice required under this section are borne by the applicant. The cost of newspaper notice and mailings shall be borne by the applicant.~~
- C. **City Plan Commission, Downtown Design Review Committee, and Administrative Officer Notice**

When notice is required for a City Plan Commission, Downtown Design Review Committee, and Administrative Officer meeting, ~~or hearing, or development review~~, such notice will be provided in accordance with the development review regulations adopted by the City Plan Commission pursuant to Rhode Island General Laws §45-23, ~~rules and regulations adopted by the City Plan Commission and Article 15 of Chapter 2 of the Providence Code of Ordinances.~~
- D. **Zoning Board of Review, Downtown Design Review Committee, and I-195 Redevelopment District Commission Public Hearing Notice**
 2. Public notice of the hearing shall be published at least fourteen days prior to the date of the hearing in a newspaper of ~~general-local~~ circulation in the city.
 5. ~~Costs of any notice required under this section are borne by the applicant. The cost of newspaper and mailing notification shall be borne by the applicant.~~
 6. The same notice shall be posted in the City clerk's office and one other municipal building in the City and the City must make the notice accessible on the municipal home page of its website at least 14 days prior to the hearing.
- G. **Administrative Modification Notice**
 1. Upon an affirmative determination of an administrative modification, the Director of the Department of Inspection and Standards will notify, by ~~registered or certified~~first class mail, all property owners abutting the property that is the subject of the modification request and publish in a newspaper of ~~general-local~~ circulation within the City that the modification will be granted unless written objection is received within 30-14 days of the public notice.

ARTICLE 19. ZONING APPLICATIONS AND APPROVALS

1900	ZONING TEXT AND MAP AMENDMENT
1901	SPECIAL USE PERMIT
1902	VARIANCE
1903	ADMINISTRATIVE MODIFICATION
1904	LAND DEVELOPMENT PROJECT
1905	<u>ADMINISTRATIVE DEVELOPMENT PLAN REVIEW</u>
1906	CITY PLAN COMMISSION <u>FORMAL DEVELOPMENT PLAN REVIEW</u>

1907	DOWNTOWN DESIGN REVIEW COMMITTEE <u>D-1 DISTRICT FORMAL AND ADMINISTRATIVE</u> DEVELOPMENT PLAN REVIEW
1908	ES OVERLAY DISTRICT FORMAL DEVELOPMENT PLAN REVIEW
1909	CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT REVIEW
1910	INSTITUTIONAL MASTER PLAN <u>FORMAL DEVELOPMENT PLAN REVIEW</u>
1911	CERTIFICATE OF APPROPRIATENESS
1912	TEMPORARY USE PERMIT
1913	ZONING INTERPRETATION
1914	PUBLIC RIGHT-OF-WAY ENCROACHMENT PERMIT
1915	BUILDING PERMIT
1916	ZONING CERTIFICATE
1917	CERTIFICATE OF OCCUPANCY
1918	ZONING-APPEALS

1901 SPECIAL USE PERMIT

B. Procedure

1. Upon receipt of a complete application for a special use permit, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will request that the Department of Planning and Development staff prepare a written report of the staff's findings and recommendations, which will be submitted to the applicable review body. ~~The findings and recommendations shall include a statement on the general consistency of the application with the goals and purpose of the Comprehensive Plan.~~
3. To authorize a special use permit, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall:
 - c. To grant a special use permit for a health care institution or educational facility – college or university in a commercial or downtown district, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall find that such uses are essential and desirable to the public convenience and welfare, ~~are in conformance with the objectives of the Comprehensive Plan,~~ and that the following criteria have been met:

1902 VARIANCE

B. Procedure

3. In granting a variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
 - b. That the hardship is not the result of any prior action of the applicant ~~and does not result primarily from the desire of the applicant to realize greater financial gain.~~
 - d. ~~That the relief to be granted is the least relief necessary.~~
4. In addition, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, requires that evidence be entered into the record of the proceedings showing that:
 - b. In granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience, meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief.

1903 ADMINISTRATIVE MODIFICATION

B. Authority

The Director of the Department of Inspection and Standards is authorized to grant a 40% 15% modification to any dimensional standard of this Ordinance and to the required vehicle or bicycle parking spaces. The administrative modification does not permit moving of lot lines.

C. Procedure

2. The decision on the requested modification shall be based on the following determinations:
 - c. ~~The modification requested is in harmony with the purposes and intent of the Comprehensive Plan and this Ordinance does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations.~~
 - d. ~~The modification requested does not require a variance of a flood hazard requirement violate any rules or regulations with respect to freshwater or coastal wetlands.~~
3. Upon an affirmative determination, in the case of a modification of five percent or less, the Director of the Department of Inspection and Standards zoning enforcement officer shall have the authority to approve the modification, without any public notice requirements. In the case of a modification of greater than five percent, the zoning enforcement officer will provide notice as required in Section 1801.

4. The modification will be granted unless written objection is received within ~~30-14~~ days of the public notice. If written objection is received within ~~30-14~~ days, the request for a modification is denied. In the case of denial, 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 ~~1430~~ days, the Director of the Department of Inspection and Standards will grant the modification.

1904 LAND DEVELOPMENT PROJECT

E. Adjustments of Dimensional Regulations

2. The City Plan Commission ~~modifications~~ adjustments are limited to the following thresholds:

1905 ~~STAFF LEVEL~~ ADMINISTRATIVE DEVELOPMENT PLAN REVIEW

A. Purpose

The purpose of ~~staff level~~ administrative development plan review is to review proposed developments to determine compliance with this Ordinance.

B. Authority

The ~~Staff Level Development Plan Review Committee~~ administrative officer(s) designated by the City Plan Commission may approve a project subject to development plan review.

C. Applicability

1. The ~~Staff Level Development Plan Review Committee~~ administrative officer(s) reviews the following types of development under administrative development plan review:
 - b. All new construction of more than 2,500 square feet of gross floor area, including additions to existing structures, within the C-1, C-2, C-3, M-MU, and W-2 Districts.
 - i. All review in the D-1 District identified as administrative development plan review in Section 1907.
2. The following types of development are not subject to administrative development plan review ~~by the Staff Level Development Plan Review Committee~~:

D. Procedure

1. ~~The Staff Level Development Plan Review Committee shall begin development plan review within 30 days of submittal of a complete application. The procedures for administrative development plan review are set forth in the development review regulations adopted by the City Plan Commission.~~
2. ~~The Staff Level Development Plan Review Committee shall, within 60 days of submittal of a complete application, review and evaluate the plan, pursuant to the standards of this Ordinance, and approve, approve with conditions, or deny the plan. If approved subject to certain conditions, all plans, and drawings submitted as part of the application for a building permit shall reflect those conditions.~~

~~E. Modifications to Staff Level Development Plan Review~~

~~Modifications to a plan approved through Staff Level Development Plan Review shall be submitted as a new Development Plan Review application.~~

1906 CITY PLAN COMMISSION FORMAL DEVELOPMENT PLAN REVIEW

A. Purpose

The purpose of City Plan Commission ~~formal D~~ formal development ~~P~~ plan ~~R~~ review is to review proposed developments to determine compliance with this Ordinance.

B. Authority

The City Plan Commission may approve a project subject to formal development plan review.

C. Applicability

1. The City Plan Commission reviews the following types of development under formal development plan review:
 - b. Waivers from design regulations of the C-1, C-2, C-3, M-MU, and W-2 Districts, and the TOD Overlay District. The City Plan Commission may review applications that require ~~staff level~~ administrative development plan review when a design waiver is also required.

D. Procedure

1. ~~The City Plan Commission shall begin development plan review within 30 days of submittal of a complete application. The procedures for City Plan Commission formal development plan review are set forth in the development review regulations adopted by the City Plan Commission.~~

2. ~~The City Plan Commission shall, within 60 days of submittal of a complete application, review and evaluate the plan, pursuant to the standards of this Ordinance, and approve, approve with conditions, or deny the plan. If approved subject to certain conditions, all plans, and drawings submitted as part of the application for a building permit shall reflect those conditions.~~

~~E. Modifications to City Plan Commission Development Plan Review~~

~~Modifications to a plan approved through City Plan Commission Development Plan Review shall be submitted as a new development plan review application.~~

1907 DOWNTOWN DESIGN REVIEW COMMITTEE D-1 DISTRICT FORMAL AND ADMINISTRATIVE DEVELOPMENT PLAN REVIEW

B. Authority

The Downtown Design Review Committee, acting as a technical review committee, or its staff the administrative officer are the permitting authorities that approves a development plan review application.

C. Applicability

1. The Downtown Design Review Committee, through formal development plan review, and its staff is authorized to regulate all improvements on public and private land in the D-1 District including the following:
 - a. New construction of buildings or appurtenances in the DD Overlay District.
 - ~~b. Additions to existing buildings or appurtenances.~~
 - ~~cb. Major and minor alterations and additions to existing buildings or appurtenances in the DD Overlay District, including repair and rehabilitation of the exterior.~~
 - ~~dc. Demolition and removal of buildings or appurtenances.~~
 - ~~d. Moving of structures.~~
 - ~~e. The Downtown Design Review Committee may waive design regulations as authorized by Article 6 in conjunction with projects under its review.~~
 - ~~e. Site work.~~
2. The administrative officer, through administrative development plan review, is authorized to regulate public and private land in the D-1 District including the following:
 - a. New construction of buildings or appurtenances outside of the DD Overlay District.
 - b. Major alterations and additions to existing buildings or appurtenances outside of the DD Overlay District.
 - c. Minor alterations to existing buildings or appurtenances, including repairs, replacement and restoration of the exterior.
 - d. Site improvements.
 - ~~e. Moving of structures.~~
 - e. Public art.
 - f. Temporary uses.
 - g. The administrative officer may waive design regulations as authorized by Article 6 in conjunction with projects under its review.
23. ~~The Downtown Design Review Committee does not review~~This section does not apply to improvements to properties located in the Capital Center Special Development District, the I-195 Redevelopment District, a Historic District, or the Industrial and Commercial Buildings District.
34. Prior to any review required by this section being conducted, any project on property owned by a health care institution or university or college educational facility shall have first been approved as part of an institutional master plan and, if necessary, shall have received a special use permit.
45. No Downtown Design Review Committee or staff administrative officer approval is necessary for the following:
 - a. The painting of previously painted surfaces.
 - b. The installation of traffic signs.
 - c. Street improvements such as plant material, street paving, curbing, drainage.

D. Procedure

1. The procedures for City Plan Commission formal development plan review are set forth in the development review regulations adopted by the City Plan Commission. Before any property owner

~~commences any improvements on public or private land 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 Downtown Design Review Committee staff. The application will be developed by the Downtown Design Review Committee staff and include all information that is reasonably necessary to evaluate the proposed work. The Downtown Design Review Committee staff will determine if an application is complete in accordance with Section 1800.~~

- ~~2. No building permit will be issued before the project receives design approval from the Downtown Design Review Committee or its staff. For those projects where no building permit is required, but which involve activity regulated by this section, Downtown Design Review Committee or staff approval is still required.~~
- ~~3. The type of review for all development in the D-1 District depends on the type of work being done.~~
 - ~~a. Downtown Design Review Committee Review. The Downtown Design Review Committee will review all applications for waivers, development incentives, moving of structures, and demolition. Within the DD Downcity Overlay District, the Downtown Design Review Committee will also review all applications for major alterations, additions, and new construction. The review will be held during a regular meeting of the Downtown Design Review Committee 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 Downtown Design Review Committee meetings.~~
 - ~~b. Downtown Design Review Committee Staff Review. Outside of the DD Overlay District, Downtown Design Review Committee staff will review all applications for minor alterations, major alterations, additions, and new construction. Within the DD Overlay District, Downtown Design Review Committee staff will 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.~~
- ~~4. A determination by the Downtown Design Review Committee 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 Downtown Design Review Committee or staff. In the event that the Downtown Design Review Committee makes a determination within the 60 day period that a particular application requires further time for additional study and information, the Downtown Design Review Committee has 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 Downtown Design Review Committee or its staff to act within the time periods specified above is deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the Downtown Design Review Committee or its staff.~~
- ~~5. The Downtown Design Review Committee or its staff is authorized to approve, approve with conditions, or deny an application for development plan review. Approval is based upon conformance with the regulations of the D-1 District. The Downtown Design Review Committee 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 Downtown Design Review Committee or staff determination shall be filed with the applicable building permit. A notice of all determinations made by the Downtown Design Review Committee and all staff determinations for major alterations, additions or new construction shall be posted in the City Clerk's office for 20 days.~~
- ~~6. In order to assist in its review of plans, the Downtown Design Review Committee may request the Historic District Commission or other agencies to review and comment on proposals.~~

E. Waivers

1. Downtown District Waivers Generally

- ~~a. Where specifically authorized by the D-1 District, and in accordance with all requirements herein, the Downtown Design Review Committee and administrative officer may grant waivers that carry out the purpose of the D-1 District and are in harmony with the general purposes and intent of these regulations. In granting a waiver, the Downtown Design Review Committee review body may impose such conditions deemed necessary to carry out the purpose of the D-1 District.~~
- ~~b. Whenever an application for formal development plan review requests a waiver to the regulations of this Section, a public hearing is required in accordance with the development review regulations adopted by the City Plan Commission, and shall meet the same requirements as a Zoning Board of Review public hearing.~~

~~In granting a waiver, the Downtown Design Review Committee shall make positive written findings on each of the following provisions:~~

- ~~i. Literal enforcement of the provision for which a waiver is sought is impracticable.~~
- ~~ii. 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.~~
- ~~iii. 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.~~

2. Downtown District Demolition Waivers

a. Purpose

In order to preserve the urban fabric of the D-1 District, no building may be demolished, in whole or in part, until the Downtown Design Review Committee or the Capital Center Commission, as applicable, has granted a waiver to demolish the building and has approved plans for new construction. The review process for demolition waivers is contained in the development review regulations adopted by the City Plan Commission. In reviewing an application for a demolition waiver, the Downtown Design Review Committee or the Capital Center Commission 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 is only permitted by waiver from the Downtown Design Review Committee or the Capital Center Commission.

b. Authority

~~The Downtown Design Review Committee or the Capital Center Commission, as applicable, may approve demolition in the D-1 District. Demolition within the D-1 District is approved by the Downtown Design Review Committee, with the exception of the Capital Center Special Development District review, where the Capital Center Commission approves demolition and follows the same process as review by the Downtown Design Review Committee.~~

c. Procedure

- ~~i. A waiver application shall contain an analysis of the building's historic or architectural significance, the reason(s) for the proposed demolition, and plans, with elevations, of proposed new construction. The staff shall certify the application complete in accordance with Section 1800.~~
- ~~ii. The Downtown Design Review Committee shall review the evidence and documentation of eligibility and hold a public hearing that meets the same requirements as a Zoning Board of Review public hearing within 60 days of filing of a complete waiver application.~~
- ~~iii. By the next regularly scheduled meeting of the Downtown Design Review Committee following the public hearing, the Downtown Design Review Committee shall render a decision and notify the applicant.~~
- ~~iv. If the Downtown Design Review Committee finds that the building is eligible for demolition and finds that the proposed new construction conforms to the standards of this section, the Downtown Design Review Committee will give preliminary approval for the demolition of the structure and preliminary approval for new construction. Preliminary approvals for demolition and new construction expire after one year unless extended by the Director of the Department of Planning and Development.~~
- ~~v. The Downtown Design Review Committee 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 Downtown Design Review Committee to be historically or architecturally significant, an appraisal of the property, and/or structural analysis of the building.~~
- ~~vi. Subsequent to the Downtown Design Review Committee granting preliminary approvals for demolition and new construction, the applicant shall present final plans for new construction to the Downtown Design Review Committee. The Downtown Design Review Committee shall review the plans pursuant to the guidelines and procedures of this section and the D-1 District. Concurrent with the issuance of a certificate of design approval, the Downtown Design Review Committee shall issue final approval for demolition.~~
- ~~vii. 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 will not issue a demolition permit before the complete building permit for the new construction approved by the Downtown Design Review Committee has been issued. For purposes of this section, foundation permits are not construed to be building permits.~~

d. Eligibility for Demolition

A building is eligible for a demolition waiver if it meets both items i and ii below:

- ~~i. The proposed reuse of the site is a permitted use for the D-1 District and is in conformance with the regulations of the D-1 District.~~
- ~~ii. The Downtown Design Review Committee 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 but one of the following applies:~~
 - ~~(1) 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.~~

- ~~(2) 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.~~
- ~~(3) The merits of the proposal for new construction far outweigh the merits of preserving the building.~~

F. Development Incentives

- 1. The Downtown Design Review Committee is authorized to grant development incentives in the form of height bonuses in accordance with the provisions of the D-1 District. The review process for development incentives is contained in the development review regulations adopted by the City Plan Commission. ~~In granting a development incentive, the Downtown Design Review Committee may impose such conditions deemed necessary to carry out the purpose of the D-1 District.~~
- 2. ~~Whenever an application requests a development incentive to the regulations of the D-1 District, a public hearing is required and shall meet the same requirements as a Zoning Board of Review public hearing. In granting a development incentive, the Downtown Design Review Committee 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.~~

G. Appeal

~~A person or persons jointly or severally aggrieved by a decision of the Downtown Design Review Committee or its staff in their exercise of development plan review has the right to appeal the decision to the Zoning Board of Review.~~

1910 INSTITUTIONAL MASTER PLAN FORMAL DEVELOPMENT PLAN REVIEW

1918 ZONING-APPEALS

A. Purpose

The ~~zoning-appeals process~~ is intended to provide a procedure for review ~~appeals process~~ where it is alleged there is error in any order, requirement, decision, or determination made by a decision-making body or official ~~under this ordinance.~~

B. Initiation

- 1. ~~An appeal to the Zoning Board of Review from a decision of the City Plan Commission, the Downtown Design Review Committee, the Historic District Commission, the Development Plan Review Committee, or from any error in any order, requirement, decision, or determination made by the Director of the Department of Inspection and Standards or other authorized agent in the enforcement of this Ordinance, may be taken by an aggrieved party.~~
- 2. Appeals of decisions related to land development projects and development plan review shall follow the procedures in the development review regulations adopted by the City Plan Commission.

D. Procedure

- 2. An appeal to the Zoning Board of Review shall be filed within 20 days of the recording of a decision of the Director of the Department of Inspection and Standards, ~~Downtown Design Review Committee, Historic District Commission, or City Plan Commission,~~ or their officers or agents authorized to make a final decision. If no such decision is required to be recorded, then an appeal shall be filed within 30 days after the time when the aggrieved party knew or should have known of the decision.
- 3. The notice of appeal shall be filed with the officer or agency from whom the appeal is taken and also with the Zoning Board of Review. The notice of appeal shall specify the ground(s) of the appeal. The officer or agency from whom the appeal is taken shall ~~immediately~~ promptly transmit to the Zoning Board of Review all the papers and electronic records constituting the record for the action or decision upon which the action appealed from was taken. ~~Notice of the appeal shall also be transmitted to the City Plan Commission.~~

ARTICLE 20. NONCONFORMITIES AND USES BY VARIANCE OR SPECIAL USES

2000	GENERAL APPLICABILITY
2001	NONCONFORMING USE
2002	NONCONFORMING STRUCTURE
2003	NONCONFORMING LOT
2004	NONCONFORMING SITE ELEMENTS
2005	NONCONFORMING SIGNS
2006	<u>USES BY VARIANCE OR SPECIAL USE PERMIT</u>

2000 GENERAL APPLICABILITY

D- Relationship to Variances and Special Use Permits

Any use or dimensional variation that does not conform to this ordinance and which exists by virtue of a special use permit, use variance or a dimensional variance, granted by the Zoning Board of Review shall not be considered a nonconformity for the purposes of this Section. Such use or dimensional variation shall be considered a use by special use permit, use variance or dimensional variance, respectively. Any moving, addition, enlargement, expansion, intensification or change of such use to any use other than a permitted use shall require an application for a special use permit or variance from the Zoning Board of Review, in accordance with this ordinance.

2003 NONCONFORMING LOT

B.—Use

Notwithstanding limitations imposed by other provisions of this Ordinance, a nonconforming lot of record in a residential district may be used for a single family dwelling.

BC. Development

Development of a nonconforming lot shall meet all applicable dimensional or bulk regulations of the district in which it is located. For development of a nonconforming lot, the setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement for new subdivisions of the zoning district in which the lot is located. All other dimensional requirements for the zoning district shall apply.

CD. Enlargement or Subdivision of Substandard Lots

Lawfully established lots which have less than the minimum area requirements, may be maintained and may be changed by adding additional land to such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this Section. Such lots may be reconfigured by adjusting lot lines so long as there is no increase to the degree of an existing nonconformity and no new nonconformities are created.

2006 USES BY VARIANCE OR SPECIAL USE PERMIT

A. Definition

Any use or dimensional variation that does not conform to this ordinance and which exists by virtue of a special use permit, use variance or a dimensional variance granted by the Zoning Board of Review shall not be considered a nonconformity. Such use or dimensional variation shall be considered a use by special use permit, use variance or dimensional variance, respectively.

C. Change of Use

- 1. A use by variance or special use permit may be changed to a permitted use.
- 2. Any moving, addition, enlargement, expansion, or intensification of a use by variance or special use permit shall require an application for a special use permit or variance from the Zoning Board of Review, in accordance with this ordinance.
- 3. Within residential districts, a portion of a building containing a non-residential use by variance or special use permit may be converted to a single dwelling unit, regardless of the maximum number of units permitted by the dimensional regulations in this Ordinance.
- 4. Within residential districts, for a residential use by variance or special use permit, the number of dwelling units may be reduced, regardless of the maximum number of units permitted by the dimensional regulations in this Ordinance.
- 5. Within any non-residential district, a use by variance may be changed to another use if the Zoning Board of Review grants a special use permit deeming the proposed use to be less intensive than the existing use.

SECTION 2: This ordinance shall take effect on January 1, 2024.

IN CITY COUNCIL
NOV 16 2023
FIRST READING
READ AND PASSED
Jina L. Martosyan
CLERK

IN CITY COUNCIL
DEC 07 2023
FINAL READING
READ AND PASSED
Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Jina L. Martosyan
CLERK

I HEREBY APPROVE.
Butt P.S.

Mayor
Date: 12/13/2023



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

October 2, 2023

Councilman Pedro Espinal
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, City Clerk

Re: Referral 3555 – Changes to the zoning ordinance

Proponent: Department of Planning and Development (DPD)

Dear Chairman Espinal,

The Rhode Island General Assembly has passed bills that have amended sections of state law pertaining to zoning and development review, which have necessitated changes to the zoning ordinance and development review regulations. The City Plan Commission (CPC) reviewed the amendment which is provided in the attached ordinance at a meeting on September 19, 2023 and recommends that it be approved based on the noted findings.

FINDINGS OF FACT

Consistency with the comprehensive plan

The CPC found the changes to be consistent with the Comprehensive Plan as they clarify guidelines for new development, specify technical and dimensional regulations, aim to improve the built environment and create new housing. The CPC found the amendment to be in conformance with the following objectives of the comprehensive plan:

- LU 1 which encourages protecting and enhancing stable neighborhoods
- LU3 which encourages the maintenance and enhancement of residential areas
- BE 2 which calls for adapting Providence's traditional urban design character to new needs, expectations and technologies
- BE3 which encourages compact urban development and new development to complement traditional character.

DEPARTMENT OF PLANNING & DEVELOPMENT

JOSEPH A. DOORLEY JR. MUNICIPAL BUILDING, 444 WESTMINSTER ST, PROVIDENCE RI 02903
PHONE 401.680.8400 | WWW.PROVIDENCERI.GOV/PLANNING

Consistency with the zoning ordinance

The CPC found the amendment to be consistent with Article 1 of the Zoning Ordinance as it conforms to the following objectives:

- Promoting the public health, safety and general welfare
- Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety, and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
- Providing for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs.
- Providing for orderly growth and development which recognizes:
 - i. The goals and patterns of land use contained in the Comprehensive Plan as defined
 - ii. The availability and capacity of existing and planned public and/or private services and facilities
 - iii. The need to shape urban development; and
 - iv. The use of innovative development regulations and techniques.
- Promoting a high level of quality of design in the development of private and public facilities.
- Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.
- Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special use permits, and where adopted, procedures for modifications.

RECOMMENDATION

On a motion by Commissioner Verdi, seconded by Commissioner Quezada, the CPC voted to recommend that the City Council approve the changes to the ordinance finding the changes to be in conformance with the zoning ordinance and comprehensive plan.

The CPC voted as follows:

Aye: N. Verdi, M. Quezada, W. Sherry, N. Sanchez, C. Lipschitz, M. Gazdacko

Sincerely,



Administrative Officer
Choyon Manjrekar