

CHAPTER 2019-18

No. 296 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 1, 2, 3, 5, 6, 11, 12, 13, 14, 18, 19 AND 20

Approved May 30, 2019

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 1. TITLE, PURPOSE, AND APPLICABILITY

102 APPLICABILITY

E. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Ordinance controls over less restrictive City statutes, ordinances, or regulations, and more restrictive City statutes, ordinances, or regulations control over the provisions of this Ordinance. Compliance with this Ordinance does not imply compliance with any other statutes, ordinances, or regulations, including the Rhode Island Building Code.

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

200 RULES OF INTERPRETATION

- f. Whenever a defined word or term appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition. Words not defined shall be interpreted in accordance with the definitions considered to be normal dictionary usage a manner that accomplishes the intent of this ordinance.

201 DEFINITION OF GENERAL TERMS

Areaway. A space below finished grade affording access, air, and light to a basement or cellar.

Bulkhead. A projecting framework providing access from the exterior of a structure to a stairway leading to a basement or cellar

Garage. A structure, either attached, integral, or detached, used for the parking and storage of vehicles as an accessory use to a residence. Shall not include Parking Structure as defined in Article 12.

Owner-Occupied. A characteristic of a property in which its owner considers it his or her predominant and principal home and spends a majority of the year occupying the property.

Porch. An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves. A porch includes any occupiable space on its roof.

Short-Term Rental. The occupancy or use, for a fee, of all or portions of a dwelling unit by anyone other than the owner for a period of fewer than 28 consecutive calendar days.

202 RULES OF MEASUREMENT

B. Building Height

1. For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. This method of building height applies to all structures unless specifically exempted by this Ordinance. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like, as described in item 2 below. (Figure 2-4). For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), building height shall be measured from base flood elevation, and where freeboard, as defined in Section 201, is being utilized or proposed, such freeboard area, not to exceed five feet, shall be excluded from the building height calculation; provided, however, that the Rhode Island Coastal Resources Management Council design elevation maps may be used by an owner or applicant to establish a base flood elevation for a property that is higher than the official FEMA FIRMs.

ARTICLE 3. ZONING DISTRICTS

302 EXEMPTIONS FOR PUBLIC RIGHTS-OF-WAY AND PUBLIC UTILITIES

- B. The following utility uses are exempt from the provisions of this Ordinance and permitted in any district: wires, cables, conduits, vaults, laterals, pipes, mains, hydrants, valves and water supply wells. Electric substations are exempt from the demolition provisions of Article 6.

ARTICLE 5. COMMERCIAL DISTRICTS

502 DIMENSIONAL STANDARDS

~~B. Residential Dwellings~~

~~Two-family, three-family, and rowhouse dwellings in the commercial districts are subject to the dimensional standards of the R-3 District. Multi-family and mixed-use developments are subject to the standards of the commercial district.~~

503 DESIGN STANDARDS

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

3. Fenestration

- c. For windows on the ground floor of a building, the bottom of the window frame shall be located no higher than two feet above the adjacent grade. This provision shall not apply to windows for residential uses or the portions of building facades that front on side lot lines on corner lots.

B. C-3 District Design Standards

2. Fenestration

- a. Ground floor façades shall contain a total area of transparency of 50% or more of the wall area of the ground floor, measured between two and nine feet above the adjacent grade. This requirement shall not apply to the portions of building façades that front on side lot lines on corner lots. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and is not subject to the ground floor transparency minimum. Multi-family dwellings or residential portions of mixed-use buildings are not subject to the ground floor transparency minimum.

ARTICLE 6. DOWNTOWN DISTRICT

603 DEVELOPMENT INCENTIVES

C. Incentives - General

~~Two types of d~~ Development incentives through height bonuses are permitted in the D-1 District to encourage development that is compatible with the goals of the comprehensive plan. ~~bonuses and transfer of development rights.~~

~~G. 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 Downtown Design Review Committee.~~

- ~~1. The gross building height that may be transferred from any sending lot to a receiving lot is the difference between the permitted zoning height as detailed on the Zoning Map and the height of the existing building on the date of the transfer. In no case may the receiving lot building height exceed the lesser of 300 feet or 1.6 times the permitted zoning height.~~
- ~~2. The fee owners of sending and receiving lots shall execute a deed or other agreement to be recorded with the title to both lots. This agreement or deed shall be for a term that 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 run with the land and are specifically enforceable by any party or by the City.~~

HG. Changes

Any changes to the plan approved in accordance with the provisions of this section shall be considered a new application.

604 DEVELOPMENT STANDARDS

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 may waive this provision. ~~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 substandard for loading access.~~

606 DESIGN STANDARDS FOR NEW CONSTRUCTION

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)
- ~~b. Building facades shall be designed to have multiple entrances, with no less than 35 feet between entrances. This provision may be waived by the Downtown Design Review Committee.~~

E. Fenestration Design

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. (Figure 6-8)

ARTICLE 9. WATERFRONT DISTRICTS

903 DEVELOPMENT INCENTIVES

C. Fenestration

1. Ground floor transparency shall contain a total area of transparency of 50% or more of the wall area of the ground floor, measured between two and nine feet above the adjacent grade. This requirement shall not apply to the portions of building façades that front on side lot lines on corner lots. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and is not subject to the ground floor transparency minimum. Multi-family dwellings or residential portions of mixed-use buildings are not subject to the ground floor transparency minimum.
2. Ground floor and upper story windows in new and existing buildings shall be composed of glass with a visible light transmittance (VLT) of at least 50% and a maximum exterior reflectivity of no more than 12%. The use of opaque materials such as brick, metal, or sheet rock to cover or fill a window opening is prohibited.
3. Each upper story façade shall provide areas of transparency equal to at least 10% of the wall area of the story.
4. For windows on the ground floor of a building, the bottom of the window frame shall be located no higher than two feet above the adjacent grade. This provision shall not apply to windows for residential uses or the portions of building façades that front on side lot lines on corner lots.

ARTICLE 11. SPECIAL PURPOSE DISTRICTS

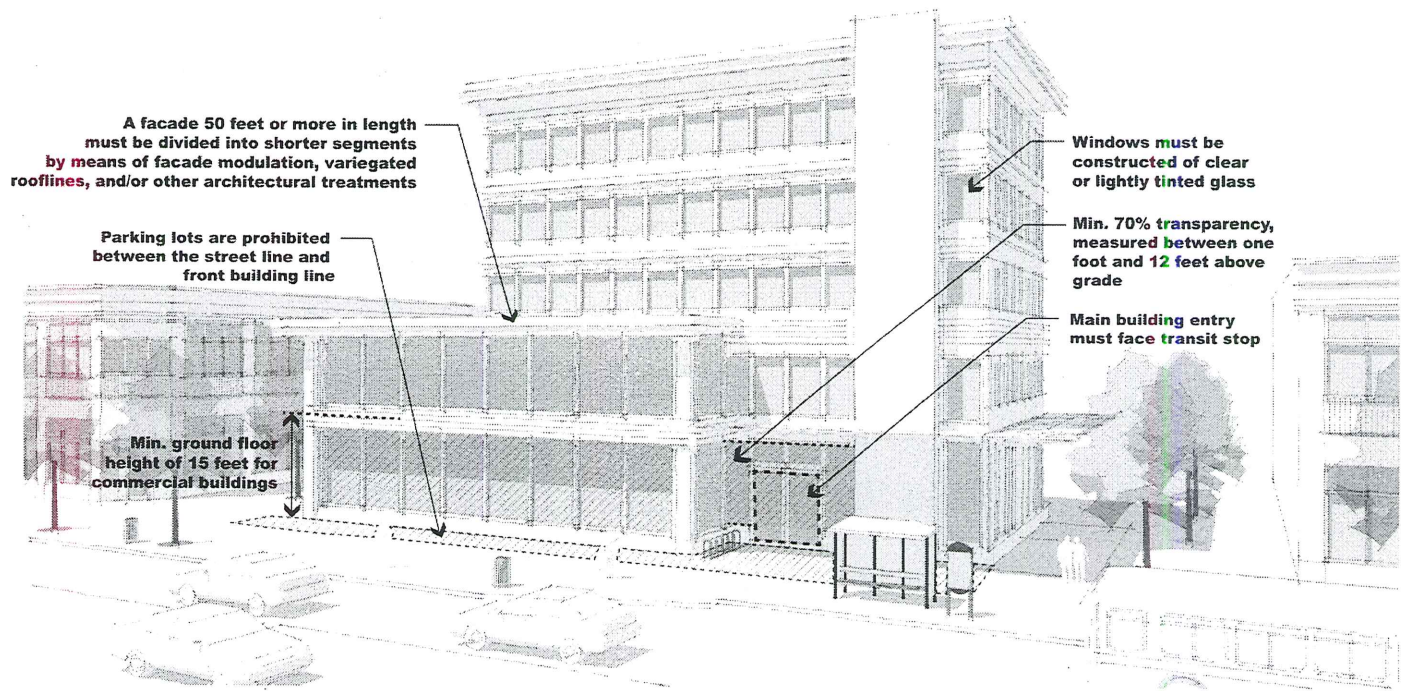
1105 TOD TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT

D. Design Standards

~~All design standards of the base district and for particular types of structures, as applicable, shall apply to the TOD district. In addition to any design standards of the base district, the following design standards apply to new and existing non-residential structures, including mixed-use development. Residential dwellings are not subject to these standards, but rather the standards for that particular dwelling type. (Figure 11-14) The City Plan Commission may waive these design standards as part of City Plan Commission Development Plan Review (Section 1906).~~

- ~~1. All buildings shall provide a main entrance on the façade of the building facing the transit stop or along streets leading to the transit stop. The main entrance of any building shall face the street.~~
- ~~2. Ground floor facade transparency shall contain a total area of transparency of 70% or more of the wall area of the ground floor, measured between one and 12 feet above the adjacent grade. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and is not subject to the transparency minimum.~~
- ~~3. Ground floor and upper story windows of facades in new and existing buildings shall be composed of glass with a visible light transmittance (VLT) of at least 50% and a maximum exterior reflectivity of no more than 12%. The use of opaque materials such as brick, metal, or sheet rock to cover or fill a window opening is prohibited.~~
- ~~4. Parking lots are prohibited between the street line and the front building line on any lot and within five feet of the front lot line when located on a corner lot.~~
- ~~5. Any façade that is 50 or more feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines, and/or other architectural treatments.~~
- ~~6. The ground floor of commercial buildings shall be designed with a minimum height of 14 feet.~~
- ~~7. Parking structures shall include active, non-residential ground floor uses along a minimum of 60% of the ground floor when adjacent to a street. Such uses shall have a minimum depth of 20 feet, measured from where the building line is located along the street.~~

FIGURE 11-14



ARTICLE 12. USES

1201 USE MATRIX

Use	R-1A	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-MU	I-1	I-2	P-S	O-S	C-D	Use Standard
Compassion Center/Cultivation Center									P				S								Sec. 1202.EE

1202 PRINCIPAL USE STANDARDS:

C. Automated Teller Machine - Standalone

~~The following regulations for a standalone Automated Teller Machines (ATM) do not apply to financial institutions that typically provide services by Automated Teller Machines, whether drive-through or walk-up.~~

1. A drive-through standalone Automated Teller Machine (ATM) is subject to the following standards:
- a. A drive-through standalone ATM is permitted only when a drive-through facility is allowed within the district and separate approval is obtained for the drive-through facility, including compliance with all standards for a drive-through facility.

b. ~~The drive through lane shall provide a minimum of three stacking spaces.~~

J. Drive-Through Facility

4. ~~A drive through lane shall have bail out capability for all vehicles that enter the drive through lane. The bail out lane shall be a minimum width of 12 feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.~~

K. Dwelling: Multi-Family or Rowhouse

6. A dwelling unit in a multi-family dwelling or rowhouse dwelling may be used as a short- term rental, subject to the following standards:
- a. Properties used as short-term rentals in the R-1A, R-1, R-2, and R-3 zoning districts must be owner-occupied.

b. The owner must supply all of the following within the dwelling unit:

i. Visible printed materials with diagrams of all points of egress, written in both English and Spanish.

ii. Clearly marked visible fire extinguisher(s).

c. Dwelling units used as short-term rentals shall require a temporary use permit, the term of which shall be one year. Short-term rental of portions of dwelling units, where the owner is present and living in the dwelling unit during the entire term of the rental, are not subject to this provision.

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

6. A dwelling unit in a single-family, two-family, three family, or semi-detached dwelling may be used as a short-term rental, subject to the following standards.
 - a. Properties used as short-term rentals in the R-1A, R-1, R-2, and R-3 zoning districts must be owner-occupied.
 - b. The owner must supply all of the following within the dwelling unit:
 - i. Visible printed materials with diagrams of all points of egress, written in both English and Spanish.
 - ii. Clearly marked visible fire extinguisher(s).
 - c. Dwelling units used as short-term rentals shall require a temporary use permit, the term of which shall be one year. Short-term rental of portions of dwelling units, where the owner is present and living in the dwelling unit during the entire term of the rental, are not subject to this provision.

EE. Compassion Center/Cultivation Center

1. No more than the square footage for which the applicant is licensed shall be permitted for the use. The Zoning Board of Review may, in its discretion, limit the use to less square footage than that for which the applicant is licensed.
2. Any square footage in the property not devoted to the use must be segregated from the facility by a wall or similar structure.
3. The applicant must submit evidence of the following:
 - a. That it has obtained a license or registration to cultivate, acquire and/or dispense in the State of Rhode Island, subject to zoning approval and final inspection of the property by the licensing/registering entity.
 - b. All measures undertaken to contain noise and odors shall demonstrate that it has taken all reasonable measures to contain noise and odors.
 - c. The security plan(s) for the property and the facility.
 - d. Staffing numbers for all hours of each day.
 - e. The number of vehicles that will access the facility on a daily or weekly basis.

1204 USE DEFINITIONS

Compassion Center/Cultivation Center. A facility operated by an organization or business that is registered/licensed in the state to acquire and dispense medical cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients and/or registered/licensed by the state to perform the necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Drive-Through Facility. That portion of a business where business is transacted directly with customers via a service window in such a way that allows customers to remain in their vehicle. A drive through facility is approved separately as a principal use.

Live Entertainment - Ancillary Use. A live performance performed live by one or more persons including, but not limited to, musical acts, theatrical plays, performance art, stand-up comedy, disc jockeys (DJs), and magic, included as part of the operation of a bar, restaurant, amusement facility, or similar use. As an ancillary use, the other principal use(s) operating on the site shall be active and open to the public while the performance is occurring and during hours when no performance is scheduled. Live entertainment - ancillary use shall be approved separately as a principal use. Live entertainment - ancillary use does not include:

1. Any adult use.
2. Nightclub or any use that requires a Class N license.

3. **Periodic** entertainment at educational facilities or places of worship, performances at **cultural facilities**, performances at reception facilities, performances at weddings and similar **religious events**.
4. **Incidental** entertainment.

Nightclub. An establishment that provides entertainment, including live music and disc jockeys (DJs), and an area for dancing by patrons of the establishment. A nightclub has as its primary source of revenue the sale of alcoholic beverages and/or cover charges. Portions of the floor area may be set up for alcohol service, including a bar counter, with or without stools, and other seating areas. ~~A nightclub requires a Class N license under Title 3 of the Rhode Island General laws.~~ A nightclub is only open to the public when it is providing such entertainment and admission (cover charge) is generally charged for admittance.

ARTICLE 13. SITE DEVELOPMENT

1302 ACCESSORY STRUCTURES AND USES

I. Fences and Walls

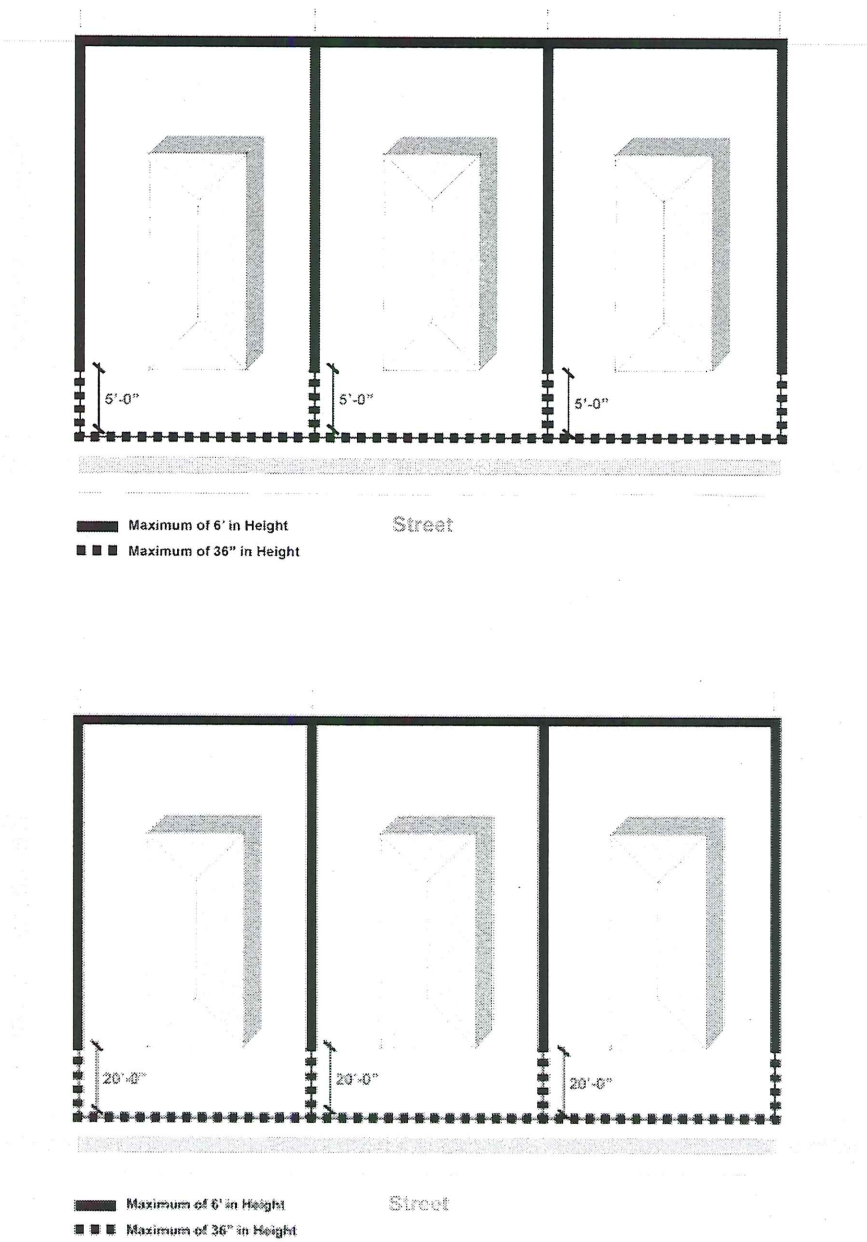
1. General Requirements

- f. The combined height of any fence and wall cannot be more than 6 feet.

2. Fences

- a. ~~With the exception of a wire fence located adjacent to a residential driveway, n~~No fence within 5 feet of a front lot line shall exceed 36 inches in height along that portion of the fence that extends from the front lot line back to a distance of 20 feet ~~Fences in a~~All other areas and wire fences located adjacent to a residential driveway are limited to six feet in height. (Figure 13-3)

FIGURE 13-3



b. A wire fence is defined as a fence made of wire no less than number nine gauge firmly fastened to posts not more than 16 feet apart, woven of not less than 11 horizontal wires, the bottom wire to be not more than two inches from the ground, and with stays or uprights not more than six inches apart. No sharp prongs are permitted on top of said fence, and all prongs shall be meshed, capped, or turned over.

4. Walls

- a. A stone wall shall not exceed 12 inches in width, is permitted as a partition fence in a residential district. No wall within 5 feet of a front lot line shall exceed 36 inches in height. All other walls are limited to 6 feet in height. (Figure 13-3) constructed of flat fieldstone, not exceeding four feet in height with a flat stone top, not exceeding 12 inches in width, and having the same finish on both sides.
- b. No partition wall shall be constructed of unfinished building materials, including but not limited to, poured concrete, brick, cement or concrete blocks, cobblestones, boulders, or any other materials unless it the wall is properly capped and finished on both faces.

J. Garage

2. Detached Garage

- b. ~~The area above the vehicle parking spaces in a~~A detached garage shall not contain a kitchen or sleeping area but may contain an office or recreation room.

3. Integral Garage

- a. Integral garages are those whose area occupies part of the primary mass of a residential structure, regardless of the grade at which the garage is entered. It is considered a separate category from an attached garage.
- b. The width of integral garage(s) shall be limited to 50% of the width of the building façade containing the garage door(s) or 22 feet, whichever is greater. Garage width is measured as the distance between the right and left garage door edges; in the case of garages designed with multiple garage doors, the width is measured as the total distance between the edges of the outmost doors.
- c. If an integral garage faces a front lot line, there shall be a pedestrian entrance door on the façade containing the garage.
- d. The garage door(s) shall not be closer to the street than any part of the façade containing the garage door(s).
- e. There shall be a driveway, at least 18 feet long, between a street lot line and a garage door, or in a case where the front yard setback permits, a garage door may be between zero and three feet from the front lot line.

N. Refuse and Recycling Container

The following standards do not apply to properties that use city-issued wheeled trash and recycling containers.

- 1. Refuse and recycling container regulations apply only to multi-family dwellings and non-residential uses. Refuse and recycling containers are prohibited in the front yard.
- 2. All refuse and recycling containers shall be fully enclosed on three sides by a solid fence, wall, or wall of the principal building a minimum of six feet and a maximum of eight feet in height. The enclosure shall be gated. Such gate shall be solid.
- 3. Refuse containers are permitted on a temporary basis in all residential zones, subject to the following standards:
 - a. Construction project-related refuse containers must be removed from a property within one week of completion of the construction project.
 - b. All other temporary refuse containers are allowed on a property for up to two weeks.

1303 PERMITTED ENCROACHMENTS

Table 13-2: Permitted Encroachments into Required Setbacks Y= Permitted // N= Prohibited				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
<u>Areaway Maximum encroachment of 4'</u>	Y	Y	Y	Y
<u>Bulkhead Maximum encroachment of 6' Prohibited in front yard</u>	N	Y	Y	Y

ARTICLE 14. OFF-STREET PARKING AND LOADING

TABLE 14-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS

USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	PERCENTAGE OF REQUIRED BICYCLE SPACES THAT SHALL BE LONG-TERM SPACES
Self-Storage Facility	1 per 2550 storage units		

1404 DESIGN OF VEHICLE PARKING SPACES

A. Permitted Vehicle Parking Locations

1. Residential Uses

a. All required off-street vehicle parking spaces for residential uses and the residential component of mixed-use developments shall be located on the same lot or on a separate lot from the lot containing the use for which parking is required, if the Director of Inspection and Standards finds that the proposed location is within a reasonable distance of the use, the off-site parking conforms to this Ordinance, and the off-site parking is not required for another use. Shared parking in accordance with Section 1411 is permitted. When parking is not located on the same lot, the property owner(s) shall be required to execute and permit the Director of the Department of Inspection and Standards to file a lien with the Recorder of Deeds against both the lot containing the requiring parking and the lot for which the parking is being provided. The lien, which must also be signed by the Director of the Department of Inspections and Standards, shall designate the use of the lot for off-street parking, and provide notice that insufficient parking exists on the original lot. The lien may be terminated by the parties, with the consent of the Director of the Department of Inspection and Standards, only if it is no longer necessary for conformance.

2. Non-Residential Uses

a. Vehicle parking for a non-residential use shall be located on the same lot or on a separate lot from the lot containing the use for which parking is required, if the Director of Inspection and Standards finds that the proposed location is within a reasonable distance of the use, the off-site parking conforms to this Ordinance, and the off-site parking is not required for another use. Valet parking services shall provide evidence of a lot reserved for vehicle parking. Shared parking in accordance with Section 1411 is permitted. When parking is not located on the same site, the property owner(s) shall be required to execute and permit the Director of the Department of Inspection and Standards to file a lien with the Recorder of Deeds against both the lot containing the requiring parking and the lot for which the parking is being provided. The lien, which must also be signed by the Director of the Department of Inspections and Standards, shall designate the use of the lot for off-street parking, and provide notice that insufficient parking exists on the original lot. The lien may be terminated by the parties, with the consent of the Director of the Department of Inspection and Standards, only if it is no longer necessary for conformance.

H. Surfacing

4. When new areas of pavement do not require a building permit, the owner must obtain a zoning certificate indicating conformance to all provisions of this Ordinance.

1407 DRIVEWAY DESIGN

A. Driveway Design

When new areas of pavement do not require a building permit, the owner must obtain a zoning certificate indicating conformance to all provisions of this Ordinance.

1. Residential Driveways: Excluding Multi-Family and Rowhouse Dwellings

- a. A residential driveway that provides access to a ~~detached or attached~~ garage or parking area is limited to a maximum width of 12 feet. A driveway apron, the width of the garage, as measured from the garage walls, is permitted to extend for a distance (depth) of 20 feet from the garage doors before tapering back to the required driveway width for access to the additional spaces. (Figure 14-3)

ARTICLE 18. APPLICATION AND NOTICE PROCEDURES

1800 APPLICATION

D. Concurrent Applications

When a development or proposal requires review by a board or commission and requires a variance or special use permit, the applications will be reviewed first by the board or commission, which shall make a preliminary determination and a recommendation to the Zoning Board of Review, then by the Zoning Board of Review, and then again by the board or commission.

1801 NOTICE

B. City Council Notice

9. Where a proposed text amendment to this ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city or town. The notice shall be given at least two weeks prior to the hearing at which the text amendment is to be considered, with the content required by this section. The notice shall include reference to the merger clause of Section 2003.E and the impacts of common ownership of nonconforming lots. Notice shall utilize a United States Postal Service certificate of mailing, and the certificate or an electronic copy thereof shall be retained to demonstrate proof of the mailing.

ARTICLE 19. ZONING APPLICATIONS AND APPROVALS

1907 DOWNTOWN DESIGN REVIEW COMMITTEE DEVELOPMENT PLAN REVIEW

F. Development Incentives

1. The Downtown Design Review Committee 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 the D-1 District. 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.

1911 CERTIFICATE OF APPROPRIATENESS

I. Appeals

An aggrieved party has the right to appeal a decision of the Historic District Commission to the Zoning Board of Review, and a further right of appeal from the Zoning Board of Review to the Superior Court, and from the Superior Court to the Supreme Court by writ of certiorari. The appeal to the Zoning Board shall be made within 20 days of the issuance of a written determination by the Historic District Commission on any plan or petition submitted to it or any revisions thereof.

1918 ZONING APPEALS

B. Initiation

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 ~~or interpretation~~ of this Ordinance, may be taken by an aggrieved party.

C. Authority

The Zoning Board ~~or of~~ Review makes final decisions on zoning appeals ~~applications~~.

D. Procedure

1. All appeals applications shall be submitted in accordance with Section 1800, on a form to be provided by the Zoning Board of Review.
2. An appeal to the Zoning Board of Review shall be filed within 20 days of the recording of a decision determination of the Director of the Department of Inspection and Standards, ~~or decision of the~~ Downtown Design Review Committee, ~~or 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 determination or~~ 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 a notice of appeal shall specifying the ground of the appeal. The officer or agency from whom the appeal is taken shall immediately 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.

E. Appeals from Decisions of the Zoning Board of Review

Any aggrieved party may appeal a decision of the Zoning Board of Review to the Rhode Island Superior Court within 20 days after such decision is recorded and posted in the office of the City Clerk.

ARTICLE 20. NONCONFORMITIES

2001 NONCONFORMING USE

B. Expansion

A nonconforming use of a structure or land cannot be expanded, ~~or increased in intensity.~~ This includes expansion, extension, or relocation of a nonconforming use to any other structure on the lot, additional gross floor area devoted to the nonconforming use, or occupying any land area currently not occupied by such nonconforming use.

F. Discontinuation or Abandonment

- ~~1. If a nonconforming use is discontinued for a continuous period of one year, the nonconforming use is presumed abandoned and cannot be reestablished or resumed regardless of intent. Any subsequent use or occupancy of such land or structure shall comply with all regulations of the zoning district in which the structure or land is located.~~
21. If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use consists of some overt act, or failure to act, which leads one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless the owner can demonstrate an intent not to abandon the use. An involuntary interruption of nonconforming use, as by fire and natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of one year, the owner of the nonconforming use is presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

2003 NONCONFORMING LOT

C. Development

Development of a nonconforming lot shall meet all applicable dimensional or bulk regulations of the district in which it is located ~~with the exception of any lot dimension requirement that renders it nonconforming.~~

D. 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 no new nonconformities are created.

E. Merger of Substandard Lots of Record

In all residential districts, two or more ~~continuous~~ contiguous lawfully established substandard lots of record are considered to be one lot and undivided for the purpose of this Ordinance if all of the following conditions exist:

SECTION 2: The provisions of this ordinance affecting Sections 1202.K and L of the Zoning Ordinance shall take effect six months from passage. The balance of this ordinance shall take effect upon passage.

IN CITY COUNCIL

MAY 16 2019

FIRST READING

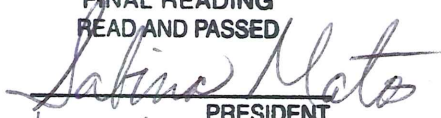
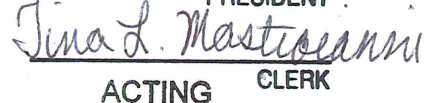
READ AND PASSED

 CLERK


IN CITY
COUNCIL

MAY 23 2019

FINAL READING
READ AND PASSED

 PRESIDENT
 ACTING CLERK

I HEREBY APPROVE.


Mayor
Date: 5/30/19



City Plan Commission
Jorge O. Elorza, Mayor

October 31, 2018

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

Attn: Lori Hagen, City Clerk

Re: Referral 3441-Amendments to the Zoning Ordinance 2018

Dear Councilman Hassett:

At its regular meeting on October 16, 2018, the City Plan Commission (CPC) reviewed proposed amendments to Providence's zoning ordinance. The changes proposed by the Department of Planning and Development (DPD) intend to correct typographical and technical errors, clarify certain portions of the document and make substantive policy changes.

DESCRIPTION OF RECOMMENDED CHANGES

The changes proposed by the DPD can be classified as policy changes, compliance with state law (provisions of which change from time to time), clarifications, and corrections. The changes are detailed in the proposed ordinance attached to this communication.

Policy changes

There are five proposed amendments that reflect a substantive change in policy:

- New regulations for Short-Term Rentals restrict this type of occupancy of properties in residential zones.
- The exemption from zoning for public utilities is expanded slightly to allow for demolition of substations in Downtown. This would permit the demolition of the substation attached to South Street Landing and one of the two buildings at 144 Dyer St. (National Grid has committed to restoring the other substation building).
- Transfer of Development Rights provisions are deleted. This provision has been used one since it was adopted and has proven to be problematic.
- Live Entertainment-Ancillary Use would be allowed by Special Use Permit in C-1 and C-2, but only until 10:00 pm on weekdays and 11:00 pm on weekends.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401.680.8400 ph | 401.680.8492 fax
www.providenceri.com

Compliance with State Law

There are four proposed amendments that reflect compliance with new or existing state laws. These relate to building height being measured from flood elevation, notice being required for changes to regulations that would reduce lot area or frontage, the appeals process for Historic District Commission decisions, and abandonment of nonconforming uses.

Clarifications

Clarifications are mostly intended to revise language in cases where it may be unclear. The amendment contains 15 proposed clarifications and includes revised or new definitions, use standards, and procedures.

Corrections

Corrections are intended to correct obvious errors. The amendment contains six corrections and includes deletion of redundant provisions and unnecessary regulations.

FINDING OF CONSISTENCY WITH COMPREHENSIVE PLAN

The CPC found the revision of the Ordinance to be in conformance with Providence Tomorrow: The Comprehensive Plan, as it conformed to the following objectives:

- Built Environment BE 2: Adapt Providence's traditional urban design character to new needs, expectations and technologies.
- Built Environment BE 7: Preserve the existing character of the city's neighborhoods by supporting design excellence and historic preservation.
- Sustainability and the Environment SE 2: Promote environmental sustainability and stewardship of natural resources.
- Land Use LU 8: Promote sustainability and environmental quality through appropriate land use controls.
- Land Use Objective LU 10: Promote job growth and retention through appropriate land use controls.
- Plan Implementation IMP3: Ensure the plan is consistent with the Zoning Ordinance.

The CPC found the changes to be consistent with Providence Tomorrow: The Comprehensive Plan as they clarified guidelines for new development, specified dimensional regulations and aimed to improve the built environment.

FINDINGS OF CONSISTENCY WITH THE ZONING ORDINANCE

The CPC found the amendment to be consistent with Section 100 of the Zoning Ordinance as it conformed to the following Objectives:

The CPC found that the changes provided 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.

The CPC also found that the revision conformed to the following purposes of zoning:

- Promoting a high level of quality of design in the development of private and public facilities.

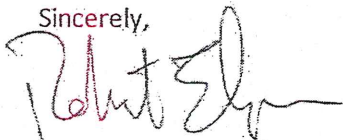
- Promoting implementation of the Comprehensive Plan, as it may be amended from time to time.
- Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

ACTION

Based on the foregoing discussion and its findings of fact, the CPC voted unanimously to make a recommendation that the City Council amend the zoning ordinance in accordance with the attached ordinance subject to the following condition:

The CPC reserves the right to amend the ordinance based on further analysis and comments received prior to the public hearing.

Sincerely,



Robert E. Azar, AICP

Deputy Director, Planning and Development

Attachment: Proposed Ordinance Amendment

2018 MAY -1 10 11:20

ED

Proposed Zoning Changes
Department of Planning and Development
April 2019

Item #	Section	Description of Change	Reason For Change
1	102.E	Clarifies relationship to state statutes	Clarification
2	200	Clarifies Rules of Interpretation per case law	Clarification
3	201	Adds definitions for areaway, bulkhead, owner-occupied, amends definitions for garage and porch (see item 23)	Clarification
4	201	Creation of definition for Short-Term Rental (see item 18)	Policy Change
5	202	Change to definition of Building Height	Compliance with State Law
6	302	Expanded exemption for public utilities for demolition of substations in Downtown	Policy Change
7	502	Two- and Three-Family Dwellings and Rowhouse in Commercial districts no longer subject to dimensional standards of R3 (still subject to C-zone rules)	Correction
8	503	Modification of commercial zone fenestration standards	Correction (consistency with C-1 and C-2 regulations) and removes ground floor fenestration requirement for residential uses.
9	603	Deletion of transfer of development rights provisions (see item 29)	Policy Change
10	604	Allows DDRC to waive provision for access to loading docks	Correction (consistency with driveway access regulations)
11	606.D	Deletes duplicative provision	Correction (Duplicative)
12	606.E	Revises transparency requirement for parking garages	Clarification
13	903	Modification of W-2 fenestration standards.	Correction (consistency with commercial zone regulations) and removes ground floor fenestration requirement for residential uses.
14	1105	Removes TOD design standards	Clarification (redundant as base district standards still apply)

Proposed Zoning Changes
Department of Planning and Development
April 2019

Item #	Section	Description of Change	Reason For Change
15	1201	New use standards for Compassion/Cultivation Centers (see item 19)	Clarification
16	1202.C	Clarifies standalone Automated Teller Machine standards	Clarification
17	1202.J	Eliminates bail out lane requirement for drive-through facilities.	Correction
18	1202.K & L	Establishes rules and regulations for Short Term Rentals (see item 4)	Policy Change
19	1202.EE	Establishes requirements for compassion center/cultivation center (see item 15)	Clarification
20	1204	Includes DJs in use definition for Live Entertainment- Ancillary Use. Deletes references to Class N License for nightclubs.	Clarification
21	1204	Clarifies use definition for Compassion Center/Cultivation Center, Drive-Through Facility, Live Entertainment-Ancillary Use, and Nightclub	Clarification
22	1302	Clarifies regulations regarding fences and walls, garages, and refuse and recycling containers	Clarification
23	1303	Creates encroachment standards for areaways and bulkheads (see item 3)	Clarification
24	1404.A	Clarifies regulations for off-site parking	Clarification
25	1404.H	Clarifies surfacing requirements	Clarification
26	1407.A	Clarifies surfacing requirements and driveway width	Clarification
27	1800	Clarifies application process for concurrent applications	Clarification
28	1801	Adds City Council Notice requirements for regulation changes to lot area or frontage	Compliance with State Law
29	1907	Deletes language regarding transfer of development rights (see item 9)	Policy Change
30	1911	Corrects appeal process for Historic District Commission	Compliance with State Law
31	1918	Clarifies process for zoning appeals	Clarification

Proposed Zoning Changes
Department of Planning and Development
April 2019

Item #	Section	Description of Change	Reason For Change
32	2001	Clarifies abandonment of nonconforming use rules	Compliance with State Law
33	2003.C.D	Clarifies nonconforming lot subdivision and development rules	Clarification
34	2003.E	Correction of misspelling	Correction