

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2009-39

No. 304 An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence Entitled "The City of Providence Zoning Ordinance," Approved June 27, 1994, as Amended, to Change Certain Text in Articles I through X and Appendix A, and to Adopt a Computer-Generated Zoning Map.

Approved June 19, 2009

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance," approved June 27, 1994, as amended, is hereby further amended by changing the following text in Articles I through X and Appendix A (the text to be removed is crossed out; the new text is underlined):

ARTICLE I – GENERAL PROVISIONS

101.7 - Overlay Zoning Districts:

...

JD Jobs District – This overlay zone is intended for industrial, manufacturing, commercial and office uses to support job growth and expansion. No residential uses are permitted.

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

- A) The boundaries of the R, C, D, M, W, OS, CD and PS Zones are hereby established as shown on a series of maps in the office of the City Clerk entitled "City of Providence Official Zoning Map", dated April 26, 1991, adopted on October 24, 1991, reproduced in a computer-generated format, dated _____, and amended from time to time in accordance with Rhode Island General Laws (RIGL) Title 45 Chapter 24, consisting of ~~129-26 separate maps-panels~~ numbered 1 to 12926.
- B) The boundaries and regulating information where applicable, of the DD, HD, MSCOD, CCOD, and WSOD, and JD overlay zoning districts and I-1, I-2 and I-3 floating districts, as defined, are hereby established as shown on a series of maps on file in the office of the City Clerk entitled "City of Providence Official Zoning Map- Overlay Zoning Districts", dated April 26, 1991, adopted on October 24, 1991, reproduced in a computer-generated format, dated _____, and amended from time to time in accordance with Rhode Island General Laws (RIGL) Title 45 Chapter 24, consisting of 26 separate maps-panels numbered 1 to 26.
- C) ~~The boundary and regulating information where applicable, of the DD overlay zoning district, as defined, is hereby established as shown on a map on file in the office of the City Clerk entitled "City of Providence Official Overlay Zoning District Maps- DD Downeity District", adopted in accordance with Rhode Island General Laws (RIGL) Title 45 Chapter 24~~

The "City of Providence Official Zoning Map", and the "City of Providence Official Zoning Map- Overlay Zoning Districts", and the "City of Providence Official Overlay Zoning District Maps- DD Downcity District" constitute the ~~o~~Official ~~z~~Zoning ~~m~~Map of the City and are hereby adopted and made part of this ordinance. [Ord. 2004-41]

Section 104 - Zone Boundaries: ~~Where uncertainty exists as~~ With respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- A) Zone boundaries are generally intended to follow lot lines, but in certain cases may divide lots. The locations of zone boundaries do not change when a subdivision changes the location of a lot line, or when there is a change in the lot number(s) of a parcel.
- B) Zone boundaries, where indicated, are the center lines of streets, parkways, waterways, or railroad rights-of-way.
- C) Where a zone boundary divides a lot, the location of the boundary shall be determined by the Director through a variety of sources, including use of the scale on the Official Zoning Map, and the use of historical maps, deeds, or other documents. For example, historical plat and zoning maps may show the location of a former lot line that was coincident with a zone boundary.
- D) Where the street layout on the ground varies from the layout as shown on the zoning map, the Director shall interpret said map according to the reasonable intent of this Ordinance.
- ~~D) Where the zone boundary divides a lot so that the lot's frontage is in a more restrictive zone or more than 50 percent of its frontage is on a street in a more restrictive zone, the provisions of this Ordinance covering the more restrictive portion of the lot shall be extended to the entire lot.~~
- ~~E) Where the zone boundary divides a lot so that the lot's frontage is in a less restrictive zone or at least 50 percent of its frontage is on a street in a less restrictive zone, the provisions of this Ordinance covering the less restrictive portion of such lot may be extended to the entire lot, but in no case for a distance of more than 30 feet. Such extension shall be allowed only in a direction parallel to the street frontage. The remaining portion of the lot shall be developed in accordance with the requirements of the more restrictive zone and of this ordinance.~~

ARTICLE II - NONCONFORMANCE

201.7 - Intensification: A nonconforming use of a building, structure or land shall not be intensified in any manner. Intensification shall include, but not be limited to, increasing hours of operation, increasing the number of dwelling units, increasing the number of parking spaces, reducing the amount of land area through a subdivision, or increasing the seating capacity or occupancy of any use of a place of assembly. However, this section shall not prohibit the reconfiguration of existing dwelling units within a building or structure so long as such reconfiguration complies with the requirements of Section 201.6. [Ord. 2003-29]

...

201.9 - Demolition:

...

- B) If less than 50% of the Gross Floor Area (GFA) of a building or structure nonconforming by use is involuntarily demolished, destroyed, or damaged, it may be repaired to the same size and dimension as previously existed.
- C) If more than 50% of the Gross Floor Area (GFA) of a building or structure nonconforming by use is involuntarily demolished, destroyed, or damaged, the Board may grant a special use permit, in accordance with Section 902.4, to repair or rebuild the structure to the same size and dimension as previously existed.

...

202.4 - Addition and Enlargement: A building or structure nonconforming by dimension shall not be added to or enlarged in any manner, unless such addition or enlargement the building or structure is made to conforms to all of the dimensional regulations of the Zone in which the building or structure is located. Roof dormers are permitted, but they shall not project beyond the existing building alignment, nor shall they be designed to create new floor space that exceeds 50% of the existing floor area of the uppermost story of the nonconforming building or structure.

...

204.2 - Merger of Substandard Lots of Record: In all R Zones, iff two or more contiguous, lawfully established substandard lots of record, where one or more of the lots is less than four thousand (4,000) square feet and are under the same ownership on or anytime after the effective date of this ordinance (October 24, 1991), such lots shall be considered to be one lot and undivided for the purpose of this ordinance, provided that the merger does not result in more than one principal building on the lot. For purposes of this Section, a garage shall not be considered a principal building. If after merging, the resulting lot does not meet the minimum lot area requirements of Section 304 or 307, then Section 204.3 of this ordinance shall apply. Notwithstanding the above, this subsection shall not apply if such merger creates a through lot. Further, a subdivision of lots that are merged by this Section may be performed in accordance with the Commission's regulations, without Zoning relief, to create lots that are conforming by dimension.

204.3 - Permitted Uses of Substandard Lots of Record in R Zones: Any lawfully established lot which has less than the minimum area required for the zone in which it is located, may be used subject to the provisions of this Ordinance and the following:

- A) R Zones - A single family dwelling may be erected in any R Zone on any separately owned lot.
- B) R-3, R-P, and R-G Zones - In any R-3, R-P and R-G Zones, a lot which has less than the minimum area requirement for the R-3, R-P and R-G Zones may be used for two (2) dwelling units, provided that such lot shall have a width of at least 40 feet and an area of at least 4,000 square feet. See Section 419.7 for additional regulations for substandard lots in the R-3 Zone.

ARTICLE III – USE AND DIMENSIONAL REGULATIONS

1.0 RESIDENTIAL

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS	CD	
11.1	Accessory Family Dwelling Unit ¹⁰	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
14	Multifamily Dwelling	N	N	N	Y	Y	Y	Y	Y ⁵	Y	Y	Y	Y	N	Y ^{6,7,9}	N	Y	Y	Y	Y	Y	N	N	N
14.1	Residential Mixed Use	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y ^{6,9}	N	Y	Y	Y	Y	Y	N	N	N
14.2	Live-Work Space-Low Intensity ⁷	N	N	N	N	N	S	S	S	Y	Y	S	Y	Y ^{8,9}	Y	Y	N	N	Y	S	N	N	N	N
14.3	Live-Work Space-High Intensity ⁷	N	N	N	N	N	N	N	N	Y	Y	N	N	Y ^{8,9}	Y	Y	N	N	Y	N	N	N	N	N
15.3	Nursing Home and Congregate Care Facility	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	S	N	Y	N	N	N	N	N
16.1	Temporary Lodging, 11 to 29-30 Rooming Units	N	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	N	N	N	N	N

FOOTNOTES:

- 8. These uses shall only be permitted in a designated historic building within the Industrial and Commercial Buildings District. [Ord. 2006-21]
- 9. The owner(s) of a building seeking a residential use in an M-1 Zoning District must sign and record a covenant and equitable servitude, on a form acceptable to the director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns, including any lessees of the residential use.
- 10. Permitted subject to R.I.G.L. § 45-24-37(e) and (f).

2.0 INSTITUTIONAL AND GOVERNMENTAL SERVICES

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS	CD	
27	Service Organization	N	N	N	N	S	Y	Y	Y	Y	Y	S ³	Y	N	Y	N	Y ⁶	Y ⁶	Y ⁶	Y ⁶	S ⁴	N	N	N

FOOTNOTES:

6. When located on property owned by the institution.

6.0 TRANSPORTATION, COMMUNICATION AND UTILITIES

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS	CD
64	Parking, Principal Use Garage	N	N	N	N	N	S	Y	Y	Y ³	Y ³	S ²	Y	Y ¹	Y	Y	Y ³	Y ³	Y ³	N	N	N	N
64.1	Parking Lot, Principal Use	N	N	S ⁴	S ⁴	S ⁴	Y	Y	Y	Y ³	Y ³	Y	Y	Y ¹	Y	Y	Y ³	Y ³	Y ³	S ⁴	N	N	N

FOOTNOTES:

5. Subject to the requirements of section 502.6.

	R-1, OS & PS	R-2	R-3, R-G & R-P	R-M
Maximum Height	2 stories ¹ 30 feet	2 stories ¹ 30 feet	2 stories ¹ 30 feet	6 stories 75 feet
Minimum Lot Area	6,000 sq. ft. ³	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
Minimum Lot Area Per Dwelling Unit	N/A	2,500 sq. ft.	2,000 sq. ft.	1,200 sq. ft.
Minimum Lot Area Per Rooming Unit	N/A	N/A	750 sq. ft.	500 sq. ft.
Minimum Lot Width & Frontage	60 ft. ³	50 ft.	50 ft.	50 ft.
Minimum Front Yard Setback	15% of Lot Depth ⁴ Maximum 20 Feet See 304.1, Footnote 4			
Minimum Side Yard ^{1,2,5}	Total Yards Required=30% of Lot Width; Minimum of 6 ft. for each yard; Maximum total yards required= 30 Feet @ 2 stories			
Minimum Rear Yard	25% of Lot Depth ⁴ Maximum 25 Feet			25% of Lot Depth max. 35 ft.
Maximum Lot Coverage	35% ^{6,7}	40% ^{6,7}	40% ^{6,7}	40% ^{6,7}

NOTE: See Sections 412, 413, 414, 415, 416, 417 and 418 Article 4 for modifications to these requirements, and additional standards.

304.1 – Footnotes for Dimensional Regulations – Residential Districts

1. Height may be increased to three stories not to exceed 40 feet provided each required side yard is increased one foot for each three feet in height above two stories or 30 feet, whichever requires the greatest increase.
2. Each side yard must be increased by one foot for every three feet in height over the second story or over 30 feet, whichever requires the greatest increase.
3. A lot of less than 12,000 square feet and more than 9,999 square feet may be divided into lots containing not less than 5,000 square feet each and having a width of not less than 50 feet each. One dwelling unit may be erected on each lot. If a lot contains more than 12,000 square feet and if after division into as many 6,000 square feet lots as possible, there remains a lot of 5,000 square feet or more, one dwelling unit may be erected on such remaining lot provided the same has a width of 50 feet.
4. A rear yard may be reduced to not less than 20% of the lot depth, provided the front yard is extended so that the combined total of the front and rear yards is not less than 40% of the lot depth. The required front yard of any lot proposed to be built on shall equal the average of the actual front yards, lawfully established on lots wholly or partially within 100 feet in both directions, on the same side of the street. If there are no buildings on the same side of the street, existing buildings, within one hundred (100) feet in both directions, on the opposite side may be used to calculate the average setback. If there are no buildings on the same side of the street or the opposite side of the street, the front yard shall be between 5% and 15% of the lot depth. The calculation of such front yard setback shall not include any structures permitted to extend into a front yard by Section 416.

**Section 305 – Dimensional Regulations – Commercial, Industrial and Institutional I- Page 7
1 and I-2 Districts:**

	C- 1,2,4	M-1	M-2	I-1,2
Maximum Height	45 feet 3 stories	75 feet ¹ 6 stories	90 feet ¹ 7 stories	Varies ²
Minimum Lot Area	None ³	None ³	None	N/A
Minimum Lot Area Per Dwelling Unit	1,200 sq. ft.	1,200 sq. ft.	N/A	N/A
Minimum Lot Area Per Rooming Unit	400 sq. ft.	None	N/A	N/A
Minimum Front Yard	0 feet ^{4, 10}	0 feet ^{4,5}	0 feet	0feet ^{2,5}
Minimum Side Yard	0 feet ⁷	0 feet ⁷	0 feet ⁷	0 feet ⁶
Minimum Rear Yard	0 feet ⁸	0 feet ⁸	0 feet ⁸	0 feet ⁶
Maximum Lot Coverage	None	None	None	None

305.1 – Footnotes for Dimensional Regulations – Commercial, Industrial, Institutional Districts:

1. Maximum height cannot exceed maximum height of any R-Zone which is not overlaid by an Institution Floating Zone within 150 feet of the structure.
2. The allowable height for any building or structure in an Institutional Floating Zone shall be a function of the distance between the proposed building or structure and nearby residential zones. The allowable height for the entire building or structure shall be determined in accordance with the most restrictive height calculated in accordance with the following requirements.
 - a. Maximum height shall be 30 feet whenever any part of the institutional building or structure is located on a street line and the property on the opposite side of the street is in an R-zone and shall increase by one foot for every one foot setback from said street line up to a maximum height of 75 feet/six stories.
 - b. Maximum height shall be limited to 40 feet whenever any part of the institutional building or structure is located within 30 feet from the property line of a lot in an R-zone and shall increase by one foot for every additional one foot setback from said property line up to a maximum of 75 feet/six stories.
 - c. In all other cases, building-height shall not exceed 75 feet/ six stories.
 - d. Setback distance as outlined in a and b above are not required from lots in R-zones that are overlaid by an I-zone.
3. ~~When a lot is used solely for residential purposes, the minimum lot area shall be 5,000 sq. ft.~~Reserved.
4. ~~Where the block frontage is partly in a R-zone which is not overlaid by an Institutional Floating Zone, the front yard requirements of the R-zone shall apply.~~Reserved.
5. Where the property on the opposite side of the street is in an R-zone which is not overlaid by an Institutional Floating Zone, the front yard requirements of the R-zone shall apply.
6. Where the lot abuts a lot in an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a minimum yard of 30 feet.
7. Where the side yard of a lot abuts a lot in an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a side yard of not less than four feet for each story of 12 feet in height, but such yard shall not be less than six feet.
8. Where the rear yard of a lot abuts a lot in an R-zone which is not overlaid by an Institutional Floating Zone, there shall be a rear yard of not less than 20 % of the lot depth, maximum required need not exceed 20 feet.
9. Reserved

10. In the C-1 and C-2 zones, building lines at street level shall be coincident with the lot line without setback and main entrances shall be oriented to face the street. On a lot with curved lot frontage, the building may be built to the chord or the tangent formed by the outermost two corners of the building façade and the lot line, whichever applies. Building fronts may incorporate articulations not to exceed two feet in depth. Such articulations shall not encompass more than 30% of the total building front. [Ord. 2003-29]

Section 306 – Dimensional Regulations – Downtown Districts:

	D-1 and I-3	D-2
Maximum Height [Ord. 1995-8]	Varies with Subzone ^{1,5}	90 ft. /7 stories
Minimum Lot Area Per Dwelling Unit	250 sq.ft.	250 sq.ft
Minimum Lot Area Per Rooming Unit	None ⁵	
Minimum Front Yard	0 ft. ²	0 ft. ^{2,4}
Minimum Side Yard	0 ft.	0 ft.
Minimum Rear Yard	0 ft.	0 ft.

306.1 – Footnotes for Dimensional Regulations – Downtown Districts:

1. Maximum Height in the D-1 and I-3 Zones: The maximum height in the D-1 zone will be determined as follows:
 - D-1 45 equals a maximum height of 45 feet
 - D-1 75 equals a maximum height of 75 feet
 - D-1 100 equals a maximum height of 100 feet
 - D-1 150 equals a maximum height of 150 feet
 - D-1 200 equals a maximum height of 200 feet
 - D-1 300 equals a maximum height of 300 feet
 - The maximum height in the I-3 Zone shall be the same as the underlying D-1 Zone.
2. Building lines at street level shall be coincident with the lot line without setback. On a lot with curved lot frontage, the building may be built to the chord or the tangent formed by the outermost two corners of the building façade and the lot line, whichever applies. Building fronts may incorporate articulations not to exceed two feet in depth. Such articulations shall not encompass more than 30% of the total building front.
3. Reserved.
4. Where the property on the opposite side of the street is in an R-Zone, the front yard requirement of the R Zone shall apply.
5. Except if a Bonus has been granted in accordance with Section 502.7 [Ord. 1995-8, 2003-29]

ARTICLE IV – SUPPLEMENTARY REGULATIONS

Section 403 - Accessory Buildings and Structures in R Zones: An accessory building or structure is permitted, including a private garage, carport, shed, greenhouse, accessory living quarters, or a recreation room in any R Zone or on any lot located in any zone which is used for residential purposes subject to the following restrictions:

...

- C) Where the rear yard or side yard abuts upon a street no accessory building shall be erected such that the garage door is within 18 feet of such street, if it contains a garage that is accessible from said street.

Section 414 - Front Yard Modifications:

~~414.1 - Reserved Averaging Setbacks: The minimum required front yard of any lot proposed to be built on may equal the average of the actual front yards lawfully established on lots wholly or partially within 100 feet in both directions, on the same side of the street. If there are no buildings on the same side of the~~

street, existing buildings, within one hundred (100) feet in both directions, on the opposite side may be used to calculate the average setback. The calculation of such front yard setback shall not include any structures permitted to extend in a front yard by Section 416.

414.2 - Through Lots: At each end of a through lot there shall be a front yard of the depth required by this Ordinance for the zone in which each street frontage is located. However, one of these front yards may serve as a required rear yard.

414.3 - Corner Lots: On a corner lot in an R Zone, all yards fronting on intersecting streets shall meet the required front yard setbacks, including setbacks required by Section 414.4.

414.4 - Garages: The minimum front yard ~~for~~ distance between a lot line and any portion of a building containing a garage door must be at least eighteen (18) feet in order to allow for a parking space in front of the garage, without blocking the public right of way.

Section 417 - Only One Principal Residential Building On a Lot: One principal residential building and permitted accessory buildings shall be located on a separate lot in an R-1, R-2, R-3, and R-P Zone which shall not contain any other structure containing any other principal use. Multiple principal residential buildings shall be permitted in the R-G and R-M Zones. Buildings in the I Zones shall not be restricted by this regulation when used for institutional purposes.

Section 419 - Special Use Permit - Zoning Board: Special use permits shall be required when so indicated in Section 303 and other sections of this Ordinance. The following conditions shall be attached to special use permits may be granted by the Board, in accordance with the procedures of Section 902, and any additional special use permit criteria are outlined in Section 905. The Board may grant a dimensional variance in conjunction with a special use permit. See Section 902.4

419.6 - Parking R-3, R-G, R-M, and R-P Zones: Off-street automobile principal-use parking lots may be established to support off-street parking requirements of residential uses in areas where the Board finds that there is a need for such additional facilities or where required off-street parking cannot be satisfied on the lot in which such residential uses are located. Such lots shall be developed and maintained as required by Sections 705 and 425 of this ordinance, and subject to such further conditions as may be imposed by the Board.

419.7 - Undersized Lot in an R-3 Zone: In any R-3 Zone, a lawfully established lot which has less than the minimum area requirement for the R-3 Zone may be used for two (2) dwelling units, provided that such lot shall have a width of at least 35 feet and an area of at least 3,200 square feet and receives a special use permit from the Board. See Section 204.2 and 204.3 for additional regulations for substandard lots in the R-3 Zone.

Section 421 — Major Land Development Projects and Development Plan Review— Approval by City Plan Commission: This Section establishes the conditions under which development activity is considered a Land Development Project, and certain regulations for Land Development Projects that are required by R.I.G.L. § 45-24-47. This Section also establishes the conditions under which certain types of development activity are subject to Development Plan Review.

A Major Land Development Project, is a parcel or parcels of land, containing at least forty thousand (40,000) sq. ft. of land area, which is developed according to a plan and in accordance with this Section as a single entity. The Major Land Development Project may include one or more residential and/or commercial structures with appurtenant recreation buildings, common areas, open space and roadways OR an educational institution (primary through secondary schools) as defined by Use Code 21. The purpose of a Major Land Development Project is to allow for the creation of multifamily, mixed use developments OR primary through secondary schools through careful site planning.

421.1 Establishment: A Major Land Development Project may be established upon approval by the Commission in any zone in which the proposed principal use and accessory uses of each building are permitted in accordance with Article III. A Major Land Development Project may be initiated by submitting a major land development plan to the Commission in accordance with the Development Review Regulations adopted by the City Plan Commission pursuant to RIGL Section 45-23-25 through 74.

421.2 Primary through Secondary Schools— Master Plan Requirement: Any educational

institution (primary through secondary schools) as defined by Use Code 21 that chooses to apply to the City Plan Commission under Section 421 of this Ordinance as a Major Land Development Project, shall prepare and submit a Master Plan in accordance with Section 503.2 D) 1. Through 11 of this Ordinance. [Ord. 1996-31]

421.1 Land Development Projects: All Land Development Projects, as defined by the criteria below, shall be reviewed by the Commission according to the Development Review Regulations adopted by the Commission pursuant to RIGL § 45-23. Unless specifically authorized by the Commission, no demolition, foundation, or building permits shall be issued, and no site work shall commence for a Land Development Project until the Commission has approved the Final Plan for such project.

- A) Thresholds for Review as a Land Development Project: Any development that meets one or more of the following criteria shall be a Land Development Project.
 - 1. Building Gross Floor Area: The gross floor area of all proposed new structures or additions to structures totals 10,000 sq. ft. or more.
 - 2. New Dwelling or Rooming Units: Construction of new gross floor area that creates 10 or more dwelling or rooming units.
 - 3. Parking Spaces: Any development that proposes to provide or is required to provide 50 or more new parking spaces.
 - 4. Educational Institution: Any educational institution (primary through secondary schools) as defined by Use Code 21 that chooses to apply as a Land Development Project, and that prepares and submits a Master Plan in accordance with Section 503.4 C) of this Ordinance.

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

- C) Adjustments of Dimensional Regulations: Pursuant to R.I.G.L. § 45-24-47 (c)(4), the Commission shall have the authority to make adjustments to applicable lot density and dimensional standards where open space is to be permanently set aside for public or common use, and/or where the physical characteristics, location, or size of the site require an adjustment, and/or where the location, size, and type of housing, commercial, industrial, or other use require an adjustment, and/or where housing for low and moderate income families is to be provided, or where other amenities not ordinarily required are provided, as stipulated in this ordinance. The Commission may make adjustments not to exceed the following:

<u>Regulation</u>	<u>Adjustment-Residential Zones</u>	<u>Adjustment-Non-Residential Zones</u>
<u>Setback</u>	<u>±5'</u>	<u>±5'</u>
<u>Building Height</u>	<u>12' or 1 story</u>	<u>24' or 2 stories</u>
<u>Dwelling Unit Density</u>	<u>50%</u>	<u>50%</u>
<u>Lot Building Coverage</u>	<u>25%</u>	<u>n/a</u>
<u>Required Parking</u>	<u>-25%</u>	<u>-25%</u>

421.2 Development Plan Review Required: The following types of development activity are subject to Development Plan Review, as authorized by R.I.G.L. § 45-24-49(b). For each type of development, the Development Plan Review Body that conducts the review and the regulations to be applied to the review are listed. Developments subject to review

- A) Development in the Downcity District shall be reviewed by the Downcity Design Review Committee subject to the regulations of Section 502.
- B) Development in the RP Zoning District shall be reviewed by the Commission subject to the regulations of Section 422.
- C) The following types of development shall be reviewed by a Development Plan Review Committee consisting of the Director of the Department of Inspection and Standards or his or her designee, the Director of the Department of Planning and Development or his or her designee, and the City Forester, or his or her designee:
 - 1. Any development or redevelopment on a lot or lots with a total of 40,000 sq. ft. or more that results in a change from one use code to another use code shall be reviewed for conformance with the regulations of Section 425 and Article 7.
 - 2. Any new pavement with an area of 10,000 sq. ft. or more shall be reviewed for conformance with the regulations of Section 425 and Article 7.
 - 3. Any development that includes a drive-in business shall be reviewed for conformance with the regulations of Articles 3, 4, 5, and 7.

Section 422 - Residential Professional District - Purpose: The purpose of the residential professional district is to preserve and enhance the residential integrity of certain heavily traveled streets while permitting compatible professional uses. To achieve this, a development plan review of applications for uses permitted by right shall be required.

...

422.3 Residential Professional District - Standards: The following standards shall apply to Residential Professional Districts:

...

- E) Parking: Parking shall only be located in the rear of the principal structure with one curb-cut and driveway per lot. Such parking may cover 100% of the rear lot, with landscaping as required in Section ~~705-6425~~ of this Ordinance.

Section 425 – ~~Trees and Landscaping and Tree Preservation~~: Open space within lots and outdoor parking areas shall be landscaped with trees, groundcover and shrubs to enhance the environmental and aesthetic quality of the City and to reduce the visual impact of parking areas from the public right-of-way and from adjoining properties. This ~~article~~ Section regulates the quantity and location of landscaping on all lots in all Zoning Districts except for the D-1 Zoning District, which has separate landscaping provisions in Section 502.2. All development activity shall require either retention or installation of landscaping and trees, in accordance with the provisions of this Section. See Section 425.5 to determine if and when this Section applies.

425.1 – Quantity of Trees Required: Sufficient trees shall be retained or planted on a lot so that the square footage of vegetative canopy of such trees, when mature, equals a certain percentage of the square footage of the lot. This required percentage varies by Zoning District and is listed in Section 425.1 A). The total canopy coverage for a lot is the sum of the canopy, at maturity, of the individual trees located on the lot. The square footage of canopy cover varies according to tree species and is shown in the table in Section 425.1 B). Street trees located in the public right-of-way directly adjacent to the property line of the lot may be counted toward the canopy coverage for the lot. For developments that encompass more than one lot, the percentage shall be calculated for the total canopy for the total area of all of the lots. For developments that span multiple blocks, the percentage required shall be calculated separately for each contiguous area of the development within a block. Where existing conditions or other provisions of this Ordinance make it impracticable to meet the canopy coverage requirement on or

adjacent to the site, the applicant shall plant sufficient trees to make up the shortfall in public rights-of-way within ¼ mile of the lot(s), with the location to be determined by the City Forester for the City of Providence.

- A) Quantity of Trees by Canopy Coverage: The percentage of canopy coverage required for each zone is listed as follows:
 - 1) R, PS, OS, CD and W-1 Zones: 2530% of the square footage of the lot(s) or development.
 - 2) D-1 Zone: See Section 502.2 for landscaping requirements.
 - 3) All Other Zones: 15% of the square footage of the lot(s) or development.
 - 4) Overlay and Floating Zones: The canopy coverage requirement of the base zoning district(s) shall apply.

- B) Canopy Coverage by Tree Size: The City Forester shall maintain a list of trees species and the expected size of the canopy for each species, at maturity, when planted in Providence. Trees shall be classified as small, medium or large and the canopy coverage for each is as follows:

Tree Size	Canopy Size (sq. ft.)
Large	1,000
Medium	700
Small	300

Additional credit for canopy coverage may be granted for retaining healthy trees of appropriate species and location, subject to the approval of the City Forester, as follows:

<u>Tree Diameter at 4½ ft. above ground</u>	<u>Additional Canopy Credit (sq. ft.)</u>
≥ 10 inches	300
≥ 20 inches	700

425.2 – Location of Trees and Landscaping for Parking Areas- Five or More Vehicles: The following requirements are for principal or accessory use parking areas for five or more vehicles, regardless of zone. Any trees planted pursuant to this Section shall be included in the quantity required for Section 425.1.

- A) Parking Areas Abutting Public Rights of Way: For parking areas that abut public rights of way, there shall be a planted strip, at least five feet wide, along the entire length of the border between the parking area and the right of way. At least one tree shall be planted in this strip for every 2025 linear feet of frontage. These trees shall be large, medium or small trees, as classified in Section 801-2425.1(B). The planted strip shall include grass, perennial plantings, or a combination of both, and may also include annual plantings. Where existing conditions or other provisions of this Ordinance make it impracticable to meet this planting strip standard, the City Forester may approve a modification to the width or location of the planted strip, or the spacing or number of trees in the strip, so long as there is no net loss of planted area or number of trees required by this paragraph. The City Forester, in consultation with the Director of the Department of Public Works, may also permit a portion of the landscape strip and plantings to be located in the public right-of-way.

- B) Internal Planting in Parking Areas: Where trees are planted in the interior of parking areas, they shall be located within islands that are curbed to prevent damage from automobiles.

- C) Parking Areas Abutting Lots in R Zones: Where a parking area in any zone adjoins a lot in an R Zone, the parking area shall be screened by a solid wall, a uniformly painted tight board fence, or a hedge of compact evergreens or other suitable plantings. Such screen shall be at least four

feet in height, and shall be erected and maintained between the entire border of such parking area and the property in the R Zone.

425.3 - Land Adjacent to Water Bodies: Where a water body exists on or adjacent to a lot or development, there shall be a vegetated buffer, at least 2025 feet wide, measured from the water's edge, or the inland edge of a coastal shoreline feature for tidal waterbodies (as defined by the Rhode Island Coastal Resources Management Program), adjacent to the entire length of the any water body. This buffer shall include trees and plant material that will filter stormwater runoff and help to improve the quality of the water body. No parking or buildings are permitted within this buffer. However, paving for a walking path, or bicycle path, or access to docks, piers, or beaches may be included within this buffer.

425.4 - Maintenance: All landscaped areas shall be maintained. This shall include replacement of dead or damaged plant material; the furnishing and installation of mulch; weeding; mowing of grass; cleaning of litter; or any other action deemed necessary by the Director to insure that the requirements of this section are met. Failure to maintain a landscape area shall be deemed a violation of this ordinance.

425.5 - Conformance Required: All development activity shall trigger conformance, depending on the scope of work, with the provisions of this Section.

A) Development Activity that Requires Conformance: Conformance with this Section shall be required whenever property is developed that meets any of the criteria described below:

- 1) At a minimum, full conformance with this Section is required for the entire development or area within the Limits of Disturbance, whichever is less.
- 2) If land within Limits of Disturbance equals more than 50% of the area of the lot or lots being developed, the entire development shall fully conform to the requirements of this Section.
- 3) Full conformance with this Section is required when new principal-use buildings are constructed in the R1, R2, R3, and RP Zones.
- 4) Any development or redevelopment on a lot or lots with a total of 40,000 sq. ft. or more that results in a change from one use code to another use code shall fully conform to the requirements of this Section.
- 5) Any or no development shall result in no loss of trees and landscaping below what is required by this Section.

B) Non-conformance: Lots or developments that do not conform to the regulations of this Section on the date of enactment of this Section shall be considered legal but non-conforming to the dimensional requirements of this Section. In addition to the provisions of Section 425.5 A), the following shall apply to such lots or developments:

- 1) Reduction of Landscaping and Canopy Cover: Any action that reduces the canopy cover and/or landscaping below what is required by this Section shall require in-kind replacement of the canopy and/or landscaping lost.

~~425.5 - Non-conformance: Lots or developments that contain less than the canopy coverage required by Section 425.1 A) on the date of enactment of this Article shall be considered legal but non-conforming to the dimensional requirements of this Section.~~

~~A) - Reduction of Canopy Cover for Non-conforming Lots or Developments: For lots or developments that are non-conforming as defined in this Section, improvements to the property that cost less than 50% of the assessed value of the property and that reduce the canopy cover shall require either replacement in-kind of the canopy lost or a dimensional~~

~~variance. Improvements to the property that cost more than 50% of the assessed value of the property and that reduce the canopy cover shall require either full compliance with the canopy coverage requirements of Section 425.1 A) or a dimensional variance.~~

~~B) Reduction of Canopy Cover for Conforming Lots or Developments: For lots or developments that conform to the dimensional requirements of this Article, any action that reduces the canopy cover below the percentage required by Section 425.1 A) shall be considered a dimensional nonconformance and shall require either replacement in kind of the canopy lost or a dimensional variance.~~

425.6 – Removal of Significant Trees: No Significant Tree, as defined in Section 1100.156 shall be removed without the prior permission of the City Forester for the City of Providence.

A) Application: Any person wishing to remove a Significant Tree shall file a request to do so with the City Forester.

B) Required Findings for Approval: In order to grant permission to remove a significant tree the City Forester must make one or more of the following findings within 30 days of receipt of the application:

- 1) The tree is in poor health or diseased with an expected life span less than two years as determined by a licensed arborist, landscape architect, or professional forester.
- 2) The removal of the tree is unavoidable because the tree poses a danger to human safety, health and welfare.

~~C) Required Findings for Denial: In order to deny permission to remove a significant tree the City Forester must make none of the findings in Section 425.6 A) and one or more of the following findings within 30 days of receipt of the application:~~

- ~~e. The tree to be removed is of a species listed on the Rhode Island list of endangered species or trees of special concern.~~
- ~~3) The tree removal will have significant negative effects upon erosion potential and drainage patterns in the vicinity.~~
- ~~4) The tree removal will have significant negative effects upon public health, safety, and welfare.~~

D) Penalties – Any person who removes a significant tree without prior permission from the City Forester, or causes the death of a significant tree through negligent construction practices or other means as determined by the City Forester, shall be subject to a one-time fine equivalent to the value of the tree. The tree value shall be established using the Trunk Formula Method set forth in the latest edition of Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers. Fines shall be held by the Parks Department for forestry-related uses as determined by the City Forester. ~~Replacement of Canopy: Any person who removes a significant tree shall be required to replace the square footage of canopy lost due to the removal.~~

425.7 – Tree Pit Design: Trees shall be planted according to the standards adopted by the Providence City Forester.

425.8 – Tree Size at Planting: At planting, trees shall be at least two inches in caliper.

425.9 – Tree Pruning: Nothing in this Article-Section shall be construed to prevent tree pruning to promote the health of a tree or for public safety purposes. [Ord. 2003-28]

425.10 – Tree Protection during Development Activity: During development, all precautions shall be undertaken to prevent construction damage to existing trees, as described in the City Tree Ordinance of the City of Providence, Sec. 23 ½. Protection shall not only include prevention of injury to the trunk and branches of existing trees, but also include the protection of the root systems. No person shall create a trench through the root system of an existing tree, expose the roots to the air overnight without a method for maintaining moisture, change the soil grade within the dripline of the tree, or cause soil compaction with the use of vehicles, machinery, or other method. The root systems of trees on adjacent lots shall also be protected.

Section 427 – Regulations for Building and Site Design in R Zones: These regulations shall apply to principal-use residential buildings in all R Zones.

427.1 – A building shall have a primary entrance either on the façade facing the front lot line, or visible from the public right of way.

427.2 – A building shall have windows on the façade facing the front lot line. This façade shall have transparency equal to at least 15% of the total area of the façade.

427.3 – The first floor of the building shall be at least two feet above grade.

427.4 – Entrances shall be built with steps leading to a landing or a porch.

427.5 – A minimum of 30% of the square footage of a lot shall be Pervious Surface (Building Lot Coverage plus all Impervious Surface may not exceed 70% of lot size).

Section 428 – Regulations for Building and Site Design in C Zones: Reserved

Section 429 – Regulations for Exterior Lighting: All exterior lighting shall be designed and installed in a manner that promotes security and safety, prevents light trespass and light pollution and reduces glare.

429.1 – For site lighting, aAll luminaires shall be downward facing and possess cut off light fixtures to prevent glare from reaching proximate residences properties and from causing glare in public rights of way and prevent light trespass and light pollution.

429.2 – For lighting of buildings and structures, all luminaires shall be directed toward the building or structure and not toward the sky or proximate properties.

ARTICLE V - SPECIAL ZONES

Section 500 - Purpose: The purpose of Special Zones is to establish overlay zoning districts, ...

Section 501 - Historic District - Purpose:

...

501.2 - Conduct of Business:

...

B) Quorum: A quorum shall be necessary for business to be conducted before the HDC. A majority of the number of duly appointed regular members shall constitute a quorum.

...

Section 502 - Downcity District: The purpose of the Downcity District is to encourage and direct development in the downtown ... The design of the exterior of all buildings, open spaces

and all exterior physical improvements in the Downcity District shall be regulated and approved Page ~~16~~
 through development plan review in accordance with the provisions of this Section.

502.1 - Downcity Design Review Committee (DRC): The Downcity Design Review Committee (DRC) is established as the development plan review body to carry out the purpose of the Downcity District. All development in the District shall be reviewed and approved by the DRC in conformance with this section.

...

502.2 - Downcity District - General Regulations:

A) Uses: The following Table is a generalized listing of use categories that are permitted in the District. ...

TABLE 502.2

USES	A-STREETS		B-STREETS	
	FIRST FLOOR	UPPER FLOORS	FIRST FLOOR	UPPER FLOORS
1.0 Residential	N ¹	Y	N ¹	Y
2.0 Institutions	Y	Y	Y	Y
3.0 Cultural	Y	Y	Y	Y
4.0 General Service	Y	Y	Y	Y
5.0 Trade	Y	Y	Y	Y
64 Parking Garage	Y ²	Y ³	Y	Y
64.1 Parking Lot, Principal Use	N ⁷ Y ⁷	N.A.	Y ²	N.A.

FOOTNOTES:

1. Lobbies ...
2. Parking on the first floor ...
3. Parking on the upper floors ...
4. Reserved
5. Reserved
6. Reserved
7. A parking lot is permitted on an A Street only as a transitional use pursuant to Section 502.5 F and G. Subject to the restrictions of Section 502.2(F)(3)

...

C) Signs [as defined in Article VI]: ... Such signs may be externally illuminated but shall not be internally illuminated and shall be made of metal, painted wood or other painted similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and detail.

1. Freestanding signs, ...
2. The maximum area of any individual sign shall be limited as follows:

Sign type	Area Sq. Ft.	Height Feet	Setback Feet	Projection Over Public ROW - Feet
Canopy	2/1' of building frontage			
Freestanding ¹	48 sq. ft.	18 feet	-	unrestricted
Projecting	48 sq. ft.	30 feet	0	6 [Ord. 1995-8]
Roof	128 sq. ft.	12' above roof	0	0
Wall	2/1' of building frontage	-	-	1.25 feet

(1) Only one freestanding sign is permitted per frontage.

F) Parking: Parking in the District shall conform to the requirements of Article VII Parking and Loading of this ordinance. ...

(3) No surface parking, whether principal-use parking or accessory-use parking, shall be permitted in the Downcity District, unless, except for access and egress, the parking area is entirely screened from view from an A Street by a building that conforms to the regulations of Section 502. The building and parking shall be approved by the DRC.

...
Section 502.3 - Downcity District: Design Regulations for Existing Buildings:
...

A) A-Streets: These standards are intended to preserve and restore the architectural integrity and historic character of buildings in the district. The existing scale and proportions of buildings and streetscapes shall be preserved. The DRC shall review:

...

5. The transparency of building facades. Transparency shall be at least 70% of the building façade. Renovations of the first floor of existing buildings shall not decrease the area of transparency and if the transparency area is less than 70% of the wall area, shall increase the amount of transparency in accordance with requirements for new construction. All buildings shall meet this requirement unless the original historic character of the building facade has less than 70% transparency.

502.4 - Downcity District: Design Regulations for New Construction
...

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

...

3. Transparency – All building facades shall provide areas of transparency equal to at least 70% of the wall area, between the height of 2 and 8 feet from the ground, of each exterior wall. Blank walls shall be separated by areas of transparency of at least 3 feet in width.

4. Windows shall only be of clear or lightly tinted glass. ~~The percentage of glazed area and all other openings of a facade shall be calculated from above the transition line, but as a maximum shall be fifty (50) percent of the facade area. Window proportions shall be square or vertical and shall be recessed at least four (4) inches from the plane of the facade.~~

...

B) B-Streets - Minimum Standards:

...

3. All new construction shall provide areas of transparency equal to at least 70% of the wall area, between the height of 2 and 8 feet from the ground, of each exterior wall. Blank walls shall be separated by areas of transparency of at least 3 feet in width. Loading areas are permitted.

...

502.5 - Demolition: ...

A. Application and Determination of Applicability: ...

- B. Eligibility for Demolition: A building shall be eligible for demolition if it meets the following criteria:
1. The proposed reuse of the site is a permitted use for the D Zone and is in conformance with Section 502.2.
 2. The DRC finds that at least one of the criteria listed in Section 501.8 B) 1 through 4 exists. With regard to the criterion of Section 501.8 B) 3, the following shall be presumed to constitute undue or unreasonable financial hardship:
 - a. ~~The entire building has been continuously vacant for five years prior to the application being filed; or~~ Reserved
 - b. The building is structurally unsound as determined by a structural engineer and such condition would be prohibitively expensive to remedy.
- C. Review Process and Timelines: ...
- D. Submission of Plans for New Construction: ...
- E. Filing of Permits: Subsequent to receiving a Certificate of Design Approval and a final approval for demolition, the applicant shall apply to the Director for building and demolition permits. Such applications shall be made concurrently. The Director shall not issue a demolition permit ~~until before the application for the building permit for the new construction approved by the DRC is certified as complete~~ has been issued. For purposes of this section, foundation permits shall not be construed to be building permits.
- F. Transitional Uses: The intent of this Ordinance is that new construction shall immediately follow demolition. Therefore, unless the applicant can demonstrate that through no fault of its own, construction cannot immediately follow demolition, no transitional uses shall be permitted. Should the Director find that there has been a delay in starting new construction, due to no fault of the applicant, the Director ~~shall~~ may permit a transitional use for up to one two-year period, or until a building permit is issued, whichever comes first. Notwithstanding the other provisions of this ordinance, a transitional use may include a surface parking lot, but the parking lot must be landscaped in conformance with Section 502.2 D) and E). If the Director finds that the applicant is not acting in good faith in pursuing a building permit, permission for the transitional use shall be revoked. Any lot that remains vacant following demolition for a period of more than two years shall be landscaped in conformance with Section 502.2 D) and E).

Section 503 - Institutional Floating Zone Districts Purpose: ... institutions (RIGL 23-15-2) and higher education institutions. Properties in I zones that are not used by health care institutions or higher educational institutions shall be subject to the regulations of the underlying zoning district.

503.1 - Institutional Floating Zone Districts - Adoption:

- A) Existing Institutional Uses: It is hereby recognized that ~~medical health care~~ and higher educational institutions exist in the city. ...
- B) Proposed Institutional Floating Zones: ...

503.2 - Institutional Floating Zone District - Regulations:

- A) Permitted Uses: ...
- B) Off Street Parking - Number of Spaces: Off street parking requirements for uses in an Institutional Floating Zone District shall conform to the provisions of Article VII of this ordinance. However, the number of insufficient off street parking spaces that existed as of July 10, 1986 for the institution shall be permitted to continue under the terms of this ordinance but shall not be allowed to increase. (See Section 205.3).

C) Off Street Parking - Location of Spaces:

1. Off street parking spaces required for institutional uses shall be located in the I-Zone in which the institutional use is located or the spaces may be located outside the I-Zone on property zoned for commercial parking provided that the property on which the parking is located is within one mile of the use, and that the property is owned by the institution, or if the property is not owned by the institution, a lien is filed in accordance with Section 706.4 of this ordinance.
2. When an institution ...

503.4 - Institutional Master Plan - Purpose: An institutional master plan is required to promote the orderly growth and development of institutions while preserving neighborhood character, historic resources, and to insure that the plans are consistent with the city's comprehensive plan. The master plan shall ...

A) Filing Requirements: Institutions shall file with the Commission a Master Plan within six months following the adoption of this ordinance, and thereafter, the Master Plan shall be updated, if necessary, to show changes in the institution's development plans and real property holdings as and when such changes occur, but at least once every five years from approval by the Commission, each year at the January meeting of the Commission. The Master Plan may be amended, from time to time, but not less than six months following the Commission's approval of the latest version. A building permit shall not be issued to an institution whose Master Plan approval is older than five years until an amendment to or renewal of such plan is filed with and approved by the Commission.

B) Approval: ... Complete Master Plans, or plan amendments, shall be reviewed by the Commission for compliance with the City's Comprehensive Plan and this Ordinance at a regularly scheduled meeting of the Commission. Any Master Plan, or plan amendment, that has been deemed to comply with the Comprehensive Plan and this Ordinance shall be filed with the City Clerk and a Public Notice shall be placed in a newspaper of general circulation indicating such action.

As a prerequisite to obtaining a building permit to develop or modify property in an institutional floating zone, a health care or higher educational institution will be required to have an institutional master plan that has been approved in accordance with this Section, which has identified and has provided a reasonable description of the proposed development for which a building permit is being sought. The following developments will be considered to be consistent with an approved Institutional Master Plan even if not specifically shown on that approved master plan:

- new structures less than 2,000 sq. ft. GFA that are located near to and support an existing use within the applicant's campus,
- additions to existing structures of less than 25% GFA or 10,000 sq. ft. GFA, whichever is smaller, provided the primary use of the existing structure being modified is not changed,
- new parking facilities for fewer than 10 vehicles,
- interior renovations to an existing building.

C) Plan Contents: The Master Plan shall minimally contain the following:

1. Mission statement ...
2. Description of existing conditions ...
3. A list of properties on the National Register of Historic Places ...
4. Statement of ten year goals and five year objectives...
5. Proposed changes in land holdings of the institution including newly acquired property, property to be sold, proposed street(s) to be abandoned, and new streets to be established including private rights-of-ways.

6. Proposed changes in land use within the institution's campus and grounds
Major repairs or renovations of a building involving more than 10,000 sq. ft. GFA that would result in a change of use of such building.
7. Proposed capital improvements. These shall include new structures; additions to existing structures of more than 25% of GFA or 10,000 sq. ft. GFA, whichever is smaller; new or reconfigured parking facilities; new outdoor facilities; and any action that would result in the rerouting of traffic in the public right of way for a period of two weeks or longer, including new structures, additions to existing structures, parking garages, parking lots, parks, and malls. Major repairs that affect the building and/or campus grounds shall be included.
8. Proposed demolition of any building, structure, parking garage ...
9. A parking plan ...
10. Any proposed activity that would require an action by the Board or Council to implement. Any proposal for a special use permit to locate an institutional use in a C or D Zone shall be accompanied by a comprehensive plan for the development of the lot or lots in question that demonstrates to the satisfaction of the Commission that the proposal is consistent with the mixed-use goals set forth in this ordinance and in the comprehensive plan for such zone.
11. The Master Plan shall contain text and maps to facilitate the review process.
12. In addition to the above ...
13. A study of traffic conditions that analyzes existing traffic generation, and the impacts of traffic generation predicted from proposed projects. The study shall include actions that the institution will take to reduce the negative impacts of increased traffic. The institution shall establish the scope of the traffic study for each master plan submission through consultation with the Administrative Officer of the Commission and Traffic Engineer.
14. A description of the public participation process that was followed in the creation of the plan. The public participation process shall include at a minimum:
 - (i) At least one neighborhood presentation of the major proposals in the plan. Neighborhood organizations, elected officials, and Department of Planning and Development staff shall receive prior notice of this meeting, and shall have the opportunity in the meeting to provide comments.
 - (ii) A preliminary meeting before the Commission on a new or amended Master Plan shall be required if the Commission's administrative officer deems that the scope of the Master Plan is so significant that the meeting is warranted.
15. An inventory of tree canopy and landscaping on institutional property, and provisions for coming into conformance or maintaining conformance with Section 425 of this Ordinance.
17. A statement regarding public access to the institution's campus and grounds.

503.5 - Institutional Uses Located Outside an I Zone:

- A) Change of Use: The change of a nonconforming institutional use outside of an I Zone shall be governed by Section 201.8.
- B) Relocation of Use: ~~An existing nonconforming institutional use may be moved from one location outside of the institutional floating zone to a new location outside the floating zone by special use permit in accordance with Sections 902 and 905 provided that:~~

- 1. ~~the new location for the nonconforming use is in closer proximity to an appropriate institutional floating zone (health care use to an I-1 zone, higher education to an I-2 or I-3);~~
- 2. ~~the existing nonconforming use is abandoned in accordance with Section 201.10; and,~~
- 3. ~~an appropriate reuse of the structure where the existing nonconforming use was located has been identified.~~

C) Special Use Permits for Institutional Uses: Health care and higher education institutions may seek a special use permit to locate an institutional use outlined in Section 303 outside of an I Zone, only in a C or D Zone, as permitted in Sections 902 and 905.

...

Section 508 – Jobs District: The Jobs District is established in Article I, and mapped on the Overlay Zoning District Map. The use regulations of the underlying zoning district shall apply to all land within this overlay zone, with the exception that the following use codes shall be prohibited in the Jobs District: 11, 11.1, 12, 13, 14-14.4, 15-15.9, 16, 16.1, 16.3-16.5, and 17.

ARTICLE VI - SIGNS

Section 602 - Signs Permitted in All Zones: The following signs are permitted in all zones:

...

602.3 - Identification: Wall signs, which may be externally illuminated, but not internally illuminated, and which are permanently affixed to buildings, and are only for the purpose of identifying the name of building, date of erection or other historical information, provided that such signs are composed of similar materials as the building, or bronze or brass, and are affixed flat against the building.

602.4 - Credit Card Signs: Credit card signs, non-illuminated, limited to an total area of one (1) square foot per structure.

...

Section 603 - Signs Prohibited in all Zones: The following signs shall be prohibited in all zones in the City:

...

603.2 - Signs that Move: Signs which move by mechanical means or by ambient wind currents, flashing signs, or animated signs in which an image changes at a frequency of faster than every 30 minutes (not including flags, banners and barber shop poles).

603.3 - Billboards: (See Definitions)

...

ARTICLE VII – PARKING AND LOADING

Section 700 - Intent: No land shall be used and no structure shall be erected or used unless off-street parking spaces as required in this Ordinance are provided with either accessory use ~~of~~ or principal use parking facilities, as applicable. ...

700.1 – Zoning Certificate Required for Paving: A zoning certificate shall be obtained from the Department of Inspection and Standards prior to installing any pavement.

700.2 – Conformance with Stormwater Control Ordinance: All new pavement shall be developed in accordance with Section 5-81 through 5-90 of the Providence Code of Ordinances, entitled “Post-Construction Stormwater Control.”

Section 701 - Accessory Parking: Accessory parking required by this ordinance shall be located on the same ~~or contiguous~~ lot as the principal structure or use the parking is intended to serve. See Section 706.4 for parking on a separate lot from the lot containing the use for which parking is required. Parking required for use codes 3.0 (Cultural, Entertainment and Recreation Services) through 8.0 (Manufacturing) as listed in the Use Regulations in Article III, may be permitted to extend not more than one hundred (100) feet into an adjacent R-Zone by special use permit.

Section 702 - Parking as a Permitted Use: Parking, as a use, may be located in zones where permitted by right or by special ~~exception-use permit~~ in accordance with the Use Regulations in Article III.

...
Section 703 - Parking Space Requirements: The following sections specify the minimum number of off-street parking spaces required for each use code as designated in the Use Regulations in Article III and Appendix A.

...
703.2 - Parking Requirements for All Other Zones: The following Table specifies the minimum number of off-street parking spaces required for each use. ...

1.0 Residential

USE CODE	USE	PARKING SPACES
15.00	Group Quarters	1 per 3 guest rooms plus 1 per Lodging every 500 sq.ft. of non guest room floor area
15.30	Nursing Home	1 per every 2 beds
15.40	Orphanage	1 per 5 employees
15.5 thru 15.69	Religious Quarters/Group Quarters	1 per 5 employees & residents
16.50	Tourist Home	1 per guest room of suite
17.00	Other Residential	1 per dwelling unit

2.0 Institutional and Governmental Services

USE CODE	USE	PARKING SPACES
23	Religious Services	1 per 5 seats <u>or people accommodated, whichever is greater</u>
26.2 and 26.3	Day Care Facilities	1 per 3 employees and staff (calculated according to the largest number in attendance for any work shift during an average day), plus 1 per 8 children.

...
5.0 Trade

USE CODE	USE	PARKING SPACES
56.1, 57 and 57.1	Eating and Drinking	1 per 4 Seats or people accommodated, whichever is greater
57.20	Drive In Establishment	1 per 6 Seats
<u>57.59</u>	<u>Retail Trade</u>	<u>1 per 500 sq. ft. GFA</u>

...
Section 704 - Development Standards - Accessory Parking for R Zones:

...
704.2 - Paving Limitations: Paving on lots in R Zones shall be limited to the following:

- A) The front yard may be paved only for a driveway to access a garage or parking area located in the side or rear yard. Such driveway shall not occupy more than 33% of the front yard. ... ~~Driveway curb cuts shall be subject to the regulations of the Department of Public Works and the Traffic Engineer and must be approved by the Traffic Engineer and Director of Public Works.~~
- B) Only one side yard shall be permitted to be paved. For corner lots, one of the two lot frontages shall be designated a side yard.
- C) ~~Only~~ No more than 50% of the rear yard area shall be permitted to be paved. For purposes of this provision, the area of the rear yard occupied by an accessory structure shall be considered to be paved. [Ord. 2003-29]

D) Curb cuts shall be required to provide access to parking areas from the public right of way and shall be subject to the regulations of the Department of Public Works and the Traffic Engineer. New curb cuts shall be subject to approval by the Department of Public Works and the Traffic Engineer. There shall be no more than one curb cut per lot.

704.3 - Parking on Non Paved Areas Prohibited: Parking shall not be permitted on non paved portions the lot. Barriers between paved and non-paved areas, such as curbs, fences, or plantings, shall be erected to prevent such prohibited parking. [Ord. 2003-29]

704.4 – Tandem Parking: Tandem parking shall be permitted.

704.5 – Entrance and Exit: Vehicles shall be permitted to back out of parking areas unless the Director, in consultation with the Traffic Engineer, determines that this presents a safety hazard.

Section 705 - Parking Standards - More than Four Vehicles: Every parcel of land which, after the effective date of this Ordinance or any amendment thereto; ~~... subject to the approval of plans thereof by the Traffic Engineer.~~

705.1 - Minimum Size of Parking Spaces: Parking areas for more than four (4) or more cars vehicles shall meet the following minimum dimensional requirements ...

705.3 - Entrance and Exit: If it is determined necessary by the Director, in consultation with the Traffic Engineer, Each parking space shall be designed with adequate off-street area for approach, turning, and exit with minimal use of any part of a public right-of-way. Vehicles shall be permitted to back out of parking areas unless the Director, in consultation with the Traffic Engineer, determines that this presents a safety hazard.

705.5 - Lighting: Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R Zone and from adjoining streets. See Section 429.

Section 706 - Supplementary Parking Regulations:

706.4 - Non-Contiguous Off-Site Parking: Off-street parking requirements may be provided on a non-contiguous lot separate lot from the lot containing the use for which parking is required, if the Director 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. provided that in such a case, the property owner(s) shall permit the Director to file a lien is filed with the Recorder of Deeds against both the non-contiguous lot containing the requiring parking and the lot for which the parking is being provided. Said lien shall designate the use of said lot for off-street parking, and provide notice that insufficient parking exists on the original lot. Said lien may be terminated by the Director; if parking is provided in accordance with this Ordinance, at another approved location it is no longer necessary for conformance with this Section.

Section 707 - Special Use Permit - Parking: The Board may grant by special use permit, pursuant to Section 902 of this ordinance, the following [Ord. 1995-8]:

707.2 - Shared Parking: No part of an off-street parking area, other than driveways, required for any building or use for the purpose of complying with the provisions of this Section shall be included as a part of an off-street parking area similarly required for another building or use unless allowed by the Board as a special exception use permit. ...

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

Section 802 - Building Permit/Certificate of Occupancy:

802.2 – Zoning Certificate Required: A zoning certificate shall be required for any action undertaken for which conformance to this Ordinance is required, but that does not require a building permit under the provisions of the Rhode Island Building Code. For example, when new areas of pavement do not require a building permit, a zoning certificate indicating conformance to all provisions of this Ordinance shall be required.

Section 901 - Organization: The Board shall consist of five (5) regular members and ~~one two~~ (42) ~~auxiliary~~ alternate members to be designated as the first and second alternate members. The Board as constituted at the time of the effective date of this ordinance and the terms of office of the members thereof shall be continued.

901.1 - Appointment: Board members and the ~~auxiliary~~ alternate members ...

901.2 - Term: All regular members of the Board and the ~~auxiliary~~ alternate members ...

901.3 - Vacancy: If during a term of office, a Board member or ~~auxiliary~~ alternate member ...

In the sections above, the word auxiliary is replaced with alternate.

901.5 - AuxiliaryAlternate Members: The ~~auxiliary~~ alternate members of the Board shall sit as an active members and shall vote when and if a regular member of the Board is unable to serve at any hearing. The first alternate shall vote if a member of the board is unable to serve at a hearing and the second shall also vote if two (2) members of the board are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate.

Section 902 - Powers of the Board: ...

902.3 - Variances:

B) ...

- 2) in granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, ~~which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property.~~ The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

...
902.4 - Special Use Permits: To authorize, upon application, in specific cases, special-use permits, pursuant to Section 303, 419, 707, 905, and other applicable provisions of this Ordinance. The Board may impose such conditions regarding the proposed building, structure, use or otherwise, as it deems appropriate. The Board may issue a dimensional variance in conjunction with a special use permit. If the special use could not exist without the dimensional variance, the zoning board of review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards. To authorize a special use permit, the Board must first:

...
902.5 - Special Conditions: In granting a variance or in making any determination upon which it is required to pass after a public hearing under a zoning ordinance, the Board may apply the special conditions that may, in the opinion of the Board, be required to promote the intent and purposes of the comprehensive plan and the zoning ordinance. Failure to abide by any special conditions attached to a grant constitutes a zoning violation. Those special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:

- A) Minimizing the adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
- B) Controlling the sequence of development, including when it must be commenced and completed;
- C) Controlling the duration of use or development and the time within which any temporary structure must be removed;
- D) Assuring satisfactory installation and maintenance of required public improvements;
- E) Designating the exact location and nature of development; and
- F) Establishing detailed records by submission of drawings, maps, plats, or

...
903.6 - Required Vote: No member or ~~auxiliary~~alternate member may vote on any matter before the Board unless ... may include the ~~auxiliary~~alternate member(s), must vote on each petition or appeal.

Section 905 - Special Use Permit Criteria: In applying for a special use permit, the applicant must demonstrate that the applicable criteria ~~is~~are met.

905.3 - Health Care and Higher Educational Institutional Uses: To grant a special use permit for an institutional use in a C or D Zone, the Board shall find that such uses are essential and desirable to the public convenience and welfare; are in conformance with the objectives of the Providence Comprehensive Plan; and the Board determines that the following criteria have been met:

- A) The proposed institutional use adheres to the Dimensional Regulations of Article III;
- B) The proposed use cannot be reasonably located on any existing property of the institution within an existing institutional floating zone in which the use is permitted;
- C) Parking is provided for the proposed use in accordance with Article VII of this Ordinance for institutional uses; and
- D) An institutional master plan has been filed and approved in accordance with Section 503 and the proposed use is in conformance with the institution's master plan.

Section 906 - Expiration of Variances and Special Use Permits: Any variance or special use permit granted or authorized by the Board shall expire six months after the date of the filing of the resolution in the Office of the Board unless the applicant shall, within the six months, obtain a legal, complete building permit for the project and proceed with construction of the proposed improvements (for purposes of this section, demolition permits and foundation permits shall not be construed to be building permits); or, within the six months, obtain a legal building permit and a certificate of occupancy when no construction is required.

...

ARTICLE X - DEFINITIONS

[~~Note: all definitions from 1000.18 to 1000.153 were renumbered in the course of amending this ordinance (Ordinance 1995-8, May 28, 1995). Language changes are annotated herein with the reference "Ord. 1995-8". Note that definition numbers have been removed to ensure that all definitions appear in alphabetical order.~~]

~~1000.7 - Addition:~~ When used in Section 502, in the DOWNCITY DISTRICT, Aa structure added to an existing structure on an A Street or visible from the sidewalk of an A Street.

~~1000.34 - Building Height:~~ The vertical distance measured from grade to the top of the highest point of the roof or structure. As used in this Ordinance, "Maximum Height" shall mean maximum Building Height. This term applies to all structures, whether buildings or not. [Ord. 1995-8]

~~1000.55 - Development Plan Review:~~ The process whereby the City Plan Commission ~~local boards, commissions or officials designated by this ordinance~~ reviews the site plans, maps, building design, and other documentation of a development to determine the compliance with the stated purposes and standards of this Ordinance.

~~1000.74 - Parking Garage, Parking:~~ Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure. This term includes structures available for public use as well as for private use. This term shall not include Garage, Private, as defined below. Any building, except those herein defined as a private garage, used for parking of vehicles, and with not more than two pumps for the incidental sale of gasoline. Such buildings may include stores and other commercial establishments providing they conform to all the regulations of the zone in which they are located.

~~1000.75 - Private Garage, Private:~~ A detached accessory building or portion of a principal building, used for the storage of vehicles as an accessory use to a residence in a residential zone, where the capacity does not exceed one vehicle for each 2,500 square feet of lot area, but in

1000.84. Hospital: An institution licensed by the State of Rhode Island to provide primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, research facilities, educational facilities, rehabilitation facilities, outpatient facilities or training facilities.

1000.90 - Land Development Project: A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, residential, commercial, institutional, recreational, open space, and/or mixed uses as provided for in this zoning ordinance. The specific thresholds that determine whether a proposal is a land development project, are found in Section 421.

1000.98 - Lot Building Coverage: That portion of the lot that is or may be covered by buildings, ~~and accessory buildings~~, and any other structures covered by a roof.

1000.110 — Parking Lot, Principal Use: Off-Street parking of automobiles on one or more lots where parking spaces for more than four (4) automobiles are available, ~~for public use whether free, for compensation, or as an accessory use to a principal use to satisfy parking requirements of~~ the principal use on a separate and noncontiguous lot or lots.

1000.131 - Structure: Anything constructed or erected, ... including but not limited to buildings, gazebos, billboards, outbuildings, poles, and swimming pools.

1000.141 - Variance: Permission to depart from the literal requirements of this zoning ordinance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by this zoning ordinance. There shall be only two (2) categories of variance, a use variance or a dimensional variance.

- A) Use Variance. Permission to depart from the use requirements of this zoning 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 this zoning ordinance.
- B) Dimensional Variance. Permission to depart from the dimensional requirements of this zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the record, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience. there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

Health Club: An establishment that provides facilities for physical exercise where such exercise is conducted entirely within a building. The types of physical exercise include aerobics, strength training, weight lifting, weight loss programs, group exercise, as well as locker rooms, showers, saunas and related accessory uses. This use does not include spectator sports.

Impervious Surface – A surface that prevents, impedes, or slows infiltration of water into the ground compared to the rate of infiltration of vegetation-bearing soils, including building, asphalt, concrete, brick, gravel, and other surfaces.

Pervious Surface – A surface that permits infiltration of water into the ground at the rate of infiltration of vegetation-bearing soils; any surface that is not an impervious surface.

Lighting Definitions:

Glare – Excessive radiance or brightness emitted from a light fixture causing inconvenience or interference with sight to users and/or neighbors of a particular location or neighboring rights of way from different viewing angles.

Light Pollution – Lighting that is damaging to the immediate environment, causes diminished enjoyment of the sky or causes unnecessary glare or illumination on neighboring properties or rights of way.

Light trespass – Light emitted from a luminaire that shines light beyond the boundaries of a property or onto an area where it is not wanted.

Luminaire – A complete lighting system that includes the lamp or lamps, the light fixture along with any refractors, diffusers or other devices that distribute the light, also including parts to position and protect the lamp and connect it to the power supply.

Cutoff Light Fixture – A type of light fixture where no light is emitted horizontally above 90 degrees from the lowest point of the light fixture.

Limits of Disturbance: The boundary within which all construction, grading, paving or repaving, landscaping and related activities occur.

APPENDIX A

This list of use code numbers is to be used in conjunction with Section 303, Use Regulations. Each use code number corresponds with a specific line in Section 303 and illustrates the range of specific uses. Accessory uses, where appropriate, are also indicated.

- ... Tourist home, bed and breakfast, hotel, and motel
- 16.1 Temporary Lodging, 11 to ~~29~~ 30 rooming units hotel, and motel
- 24 Health Care Institution (~~RIGL 23-15-2~~)
A hospital (see definitions)
~~center for occupational and physical therapy, physical fitness, and drug and alcohol rehabilitation (provided such drug or alcohol rehabilitation facility is owned by or operated in conjunction with a hospital); clinic for medical, dental, surgical, or psychiatric treatment of disease and disability, whether on an inpatient or outpatient basis; health maintenance organizations (HMO); hospital (not animal hospital); medical diagnostic or treatment facility, medical or dental office, research laboratory or educational facility, sanitarium, and any accessory use~~
- 42 Personal Service
apparel repair, alteration and cleaning pickup service; barber and beauty service; funeral home; massage parlor, tanning salon; photographic service; self service laundry and drop-off cleaning service (maximum of two 60 pound dry cleaning machines allowed); shoe repair service; health club
- 64. Parking Garage Principal use
~~Parking Garage or open lot for passenger and commercial vehicles, No gasoline sales and no automotive repairs~~See Definitions
- 64.1 Parking Lot, Principal Use
~~public parking area, no commercial vehicles~~See Definitions

SECTION 2: The numbers for the definitions in Article X shall be eliminated. Definitions shall be listed in alphabetical order.

SECTION 3: The City of Providence Official Zoning Map and City of Providence Official Zoning Map – Overlay Zoning Districts shall be recreated in a computer-generated format as specified in Section 103 Zoning Ordinance, as revised above. This ordinance shall not change the zoning district designation of any parcel in the city.

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

IN CITY COUNCIL
JUN 4 2009
FIRST READING
READ AND PASSED

Am M. Ste... CLERK

IN CITY COUNCIL
JUN 18 2009
FINAL READING
READ AND PASSED

Paul S. Mamm... PRESIDENT
Am M. Ste... CLERK

APPROVED

[Signature] 6/19/09