

CHAPTER 2022-63

No. 405 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE", APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE CERTAIN TEXT IN ARTICLES 2, 4, 5, 8, 9, 12, 13, 14, 16, 18 AND 20

Approved December 8, 2022

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:

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

201 DEFINITION OF GENERAL TERMS

Appurtenance. Features other than principal or accessory structures which contribute to the exterior ~~historie~~ appearance of a property including but not limited to paving, doors, windows, signs, materials, decorative accessories, fences, and ~~historie~~ landscape features.

Building Line. A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops. A front building line is that building line that abuts or is parallel or generally parallel to a front lot line. For the purposes of determining a front setback, if a porch extends the full width of the building, the front of the porch shall be considered the building line.

Intensification. Intensification includes, but is not limited to, increasing hours of operation, increasing the number of dwelling units, increasing the number of parking spaces, reducing total lot area to below that which is required for a new subdivision, or increasing the seating or occupancy capacity of any use.

Outbuilding. An accessory structure used for an office or recreation room as an accessory use to a residence. The structure may be serviced by water and electricity, and include conditioned space, but shall not contain a kitchen or sleeping area.

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~~ 30 consecutive calendar days.

202 RULES OF MEASUREMENT

B. Building Height

2. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, port authority, or other similar federal, state, or local authority.
 - c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, stair towers, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

L. Lot Line

A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and includes: (Figure 2-9)

1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot may be any one of the lot lines abutting a street. A front lot line for a through lot is one or both lot lines that abut a street.

Figure 2-7 Change notation for the through lot from "Front" to "Front/Rear."

O. Yards and Setbacks

1. Front Yard and Front Setback

A front yard is located between a principal building line and the front lot line. A front setback is the required minimum distance per the zoning district that a principal building shall be located from the front lot line. The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line. For the purposes of determining a front setback, if a porch extends the full width of the building, the front of the porch shall be considered the building line.

ARTICLE 4. RESIDENTIAL DISTRICTS
TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

	R-1A	R-1	R-2	R-3	R-4	RP
Minimum Lot Area	SF- Existing Lots: None New Subdivisions: 7,500sf Non-Residential: 7,500sf	SF - Existing Lots: None New Subdivisions: 5,000sf Non-Residential: 5,000sf	SF - Existing Lots: None New Subdivisions: 5,000sf 2F - Existing Lots: 4,000sf 2F - New Subdivisions: 5,000sf Non-Residential: 5,000sf	SF - Existing Lots: None New Subdivisions: 5,000sf 2F - Existing Lots: 3,500sf 2F - New Subdivisions: 5,000sf 3F: 5,000sf RH: 5,000sf min. with at least 1,650sf/du Non-Residential: 5,000sf	SF- Existing Lots: None New Subdivisions: 3,500sf 2F: 3,500sf 3F: 3,500sf RH: 3,500sf min. with at least 1,450-sf/du MF: 3,500sf min. with at least 1,200-sf/du Non-Residential: 3,500sf	SF - Existing Lots: None New Subdivisions: 5,000sf 2F - Existing Lots: 3,500sf 2F - New Subdivisions: 5,000sf 3F: 5,000sf RH: 5,000sf min. with at least 1,650sf/du MF: 5,000sf min. with at least 1,650sf/du Non-Residential: 5,000sf
Maximum Building Height	40', not to exceed 3 stories <u>Lots of 2,500sf or less: 32', not to exceed 2 stories</u>	40', not to exceed 3 stories <u>Lots of 2,500sf or less: 32', not to exceed 2 stories</u>	45', not to exceed 3 stories <u>Lots of 2,500sf or less: 32', not to exceed 2 stories</u>	45', not to exceed 3 stories <u>Lots of 2,500sf or less: 32', not to exceed 2 stories</u>	45' <u>Lots of 2,500sf or less: 32', not to exceed 2 stories</u>	45' <u>Lots of 2,500sf or less: 32', not to exceed 2 stories</u>
Minimum Interior Side and Minimum Corner Side Setback	Lot width 40' or less: 4' Lot width more than 40' <u>and less than 60': 6'</u> <u>Lot width 60' or more': 10'</u>	Lot width 40' or less: 4' Lot width more than 40' <u>and less than 60': 6'</u> <u>Lot width 60' or more': 10'</u>	Lot width 40' or less: 4' Lot width more than 40' <u>and less than 60': 6'</u> <u>Lot width 60' or more': 10'</u>	Lot width 40' or less: 4' Lot width more than 40' <u>and less than 60': 6'</u> <u>Lot width 60' or more': 10'</u>	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4' Lot width more than 40' <u>and less than 60': 6'</u> <u>Lot width 60' or more': 10'</u>
Minimum Corner Side Setback	Same dimension-as front setback	Same dimension-as front setback	Same dimension-as front setback	Same dimension-as front setback	Same dimension-as front setback	Same dimension-as front setback

ARTICLE 5. COMMERCIAL DISTRICTS

503 DESIGN STANDARDS

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

2. Building Entry

- a. All buildings shall have an orientation to and pedestrian entrance from the sidewalk along the primary building frontage. Entrances shall be visually distinctive from the remaining portions of the façade along which they are located. (Figure 5-1)

Revise text in **FIGURE 5-1** as follows: Public-Pedestrian entrance from sidewalk along the primary building frontage

3. Fenestration

- a. Ground floor facades 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. For mMulti-family dwellings or residential portions of mixed use buildings there shall be a total area of transparency of 15% or more of the wall area of the ground floor~~are not subject to the ground floor transparency minimum.~~

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. For mMulti-family dwellings or residential portions of mixed-use buildings there shall be a total area of transparency of 15% or more of the wall area of the ground floor~~are not subject to the ground floor transparency minimum.~~

ARTICLE 8. INDUSTRIAL DISTRICTS

803 DESIGN STANDARDS

The following design standards apply to new construction, including additions to existing structures, and substantial repair or rehabilitation of the exterior façade of an existing structure. In the case of repair or rehabilitation, only those standards that relate to the specific actions taken apply. The City Plan Commission may waive these design standards as part of City Plan Commission Development Plan Review (Section 1906). Residential dwellings, except for multi-family and mixed-use development, are not subject to these standards, but rather the principal use standards for that particular dwelling type, as indicated in Section 1202.

ARTICLE 9. WATERFRONT DISTRICTS

903 W-2 DISTRICT DESIGN STANDARDS

C. Fenestration

- 1. Ground floor ~~transparency-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 transparency minimum. For mMulti-family dwellings or residential portions of mixed-use buildings there shall be a total area of transparency of 15% or more of the wall area of the ground floor~~are not subject to the ground floor transparency minimum.~~

ARTICLE 12. USES

Table 12-1: 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	O	S	C	D	Use Standard
Animal Care Facility							P	P	P	S	P		<u>P</u>		P								Sec. 1202.B
Utility	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	S	S				<u>Sec. 1202 FF</u>
Wareho use									S		P	P	P	P	<u>P</u>								

1202 PRINCIPAL USE STANDARDS

H. Contractor Storage Yard and Storage Yard - Outdoor

- 1. The storage area shall be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress. Fences or walls along the front or corner side lot line shall be set back a minimum of 3+0 feet. Within that setback, one shrub a minimum of three feet in height shall be planted linearly every three feet on-center along such fence or wall.
- 2. Storage of any kind is prohibited outside the fence or wall. No items stored within

30 feet of the fence or wall may exceed the height of the fence or wall.

M. Educational Facility - Primary or Secondary

1. Development Plan Review

For primary or secondary educational facility campuses with two or more existing or planned principal buildings in a residential district, Development Plan Review by the City Plan Commission is required ~~for any new principal building and/or parking facility~~ in accordance with Section 1906.

S. Materials Processing

- 1. Materials Processing requires Development Plan Review by the staff level Development Plan Review Committee.
- 2. The materials processing area shall be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress. Fences or walls along the front or corner side lot line shall be set back a minimum of 3 feet. Within that setback, one shrub a minimum of three feet in height shall be planted linearly every three feet on-center along such fence or wall.

V. Parking Lot and Parking Structure (Principal Use)

2. Parking Lot

- d. Principal use parking lots in residential zones shall not exceed 75% impervious surface.

FF. Utility

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

1203 TEMPORARY USE STANDARDS

C. Temporary Mobile Food Sales

- 1. The timeframe of a temporary mobile food sales use shall be one year ~~determined~~ and approved as part of the temporary use permit.

1204 USE DEFINITIONS

Vehicle Dealership/Repair/Service. An establishment that that provides services ~~in-and~~ repairs to motor vehicles, motorcycles, and other recreational vehicles, or sells or leases new or used automobiles and recreational vehicles. A vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location. Vehicle repair/service/dealership does not include sales, rental, or repair of heavy equipment, which is considered part of heavy retail, rental, and service.

ARTICLE 13. SITE DEVELOPMENT

1302. Accessory Structures

I. Fences and Walls

1. General Requirements

- g. Fences may be installed on lot lines.

J. Garage

2. Detached Garage

- b. A detached garage shall not contain a kitchen or sleeping area but may ~~contain~~ be used in part or entirely as an office or recreation room.

L. Mechanical Equipment

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, ground-mounted electrical transformers, and similar equipment.

N. Refuse and Recycling Container

- 2. All refuse and recycling containers shall be fully enclosed on ~~three-four~~ 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.

Table 13-2: Permitted Encroachments into Required Setbacks

Table 13-2: Permitted Encroachments into Required Setbacks Y= Permitted // N= Prohibited				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Deck 6' into interior or corner side 8' into rear 4' from all lot lines Prohibited in front yard	N	Y	Y	Y
Outbuilding Prohibited in front yard	N	N	Y	Y

ARTICLE 14. OFF-STREET PARKING AND LOADING

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

Use	Minimum Required Vehicle spaces
Animal Care Facility	1 per 1,000500sf GFA

1406 DESIGN OF OFF-STREET LOADING SPACES

B. Dimensions

1. All required off-street loading spaces shall be a minimum of 12-10 feet in width, a minimum of 3522 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of 1045 feet.

1410 PARKING EXEMPTIONS

2. Specific parking exemptions may apply to the TOD Overlay District in Section 11061105.
7. In the R-4, C-1 and C-2 districts, all lots of 10,000 square feet or less are exempt from parking requirements.

ARTICLE 16. SIGNS

1606 SIGNS AND ACTIVITIES EXEMPT FROM PERMIT REQUIREMENTS

P. Reserved Scoreboards

~~Scoreboards, which record and display the score of a game, and may include such information as the name of the field or home team and advertising are permitted for all recreational fields. The score keeping portion of the scoreboard may utilize an electronic message component.~~

1607 SIGNS REQUIRING PERMIT

D. Electronic Message Signs

1. Electronic message signs are permitted for any educational facility, place of worship, and any government facility including public safety facilities, public works facilities, and parks/playgrounds in any district. Electronic message signs are also permitted in the C-3 District, for menuboards at drive-through establishments, and in the changeable portion of a gas station sign that displays fuel price.

M. Scoreboards

Scoreboards, which record and display the score of a game, and may include such information as the name of the field or home team and advertising are permitted for all recreational fields. The scoreboard may be an electronic message sign and may convey video. The scoreboard shall be oriented toward the field of play.

ARTICLE 18. APPLICATION AND NOTICE PROCEDURES

1800 APPLICATION

G. Fees

7. The fee for a temporary use permit is \$50.

ARTICLE 19. ZONING APPLICATIONS AND APPROVALS

1904 LAND DEVELOPMENT PROJECT

C. Applicability

2. The following types of development that may meet the above thresholds are not considered land development projects:

c. Primary and secondary educational facilities in residential zones.

ARTICLE 20. NONCONFORMITIES

2001 NONCONFORMING USE

C. Intensification

A nonconforming use of a structure or land cannot be intensified in any manner. Intensification includes, but is not limited to, increasing hours of operation, increasing the number of dwelling units, increasing the number of parking spaces, reducing total ~~land area through a subdivision~~ lot area to below that which is required for a new subdivision, or increasing the seating or occupancy capacity of any use. However, this does not prohibit the reconfiguration of existing dwelling units within a structure so long as such reconfiguration complies with the requirements of item B above.

2003 NONCONFORMING LOT

~~E. Merger of Substandard Lots of Record~~

~~In all residential districts, two or more 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:~~

- ~~1. The lots are under the same ownership on or anytime after October 24, 1991.~~
- ~~2. One or more of the lots is less than 3,200 square feet.~~
- ~~3. The merger would not result in more than one principal building on the lot. For purposes of this provision, a garage is not considered a principal building.~~
- ~~4. The merger would not create a through lot.~~

~~A subdivision of lots that are merged by this section may be performed in accordance with the City Plan Commission's regulations, without zoning relief, to create lots that are conforming by dimension to the regulations of Table 4-1 for new subdivisions.~~

SECTION 2: This ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 17 2022
FIRST READING
READ AND PASSED

Tina L. Mastrosianni CLERK
ACTING

IN CITY
COUNCIL
DEC 01 2022
FINAL READING
READ AND PASSED

John J. Iglizzi PRESIDENT
Tina L. Mastrosianni CLERK
ACTING

I HEREBY APPROVE.

[Signature]

Mayor
Date: *12/8/22*



City Plan Commission
Jorge O. Elorza, Mayor

August 9, 2022

Councilman Nicholas Narducci
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, Acting City Clerk

Re: Referral 3524 – Changes to the zoning ordinance

Proponent: Department of Planning and Development (DPD)

Dear Chairman Narducci,

The City Plan Commission (CPC) reviewed the above referenced zoning ordinance amendment at a meeting on July 19, 2022 and voted to recommend that the City Council approve the amendment based on their findings and the changes to the amendment described below.

FINDINGS OF FACT

The DPD is proposing to make changes pertaining to the administration of the zoning ordinance. Most of the changes are intended to clarify or to fill in gaps in the regulations and have been written to address issues that have come up in administering the ordinance since the last significant text amendments in 2019. The amendment includes three policy changes pertaining to removal of the minimum lot area per dwelling unit requirement in the R-4 zone, elimination of the lot merger provision and addition of cannabis retail to the use table. Removal of lot area per dwelling unit is intended to create a multifamily zoning district with higher density, but will not change the dimensional regulations of the zone. Elimination of the lot merger provision would allow for development of small lots but restrict the building height to ensure development of an appropriate scale. Addition of cannabis retail would conform to state law that requires communities that host compassion centers to include retail.

Based on their analysis and discussion at the meeting, the CPC recommended that the amendment be further amended and made the following recommendations to the council:

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

- The maximum height regulations in table 4-1, which would limit the height of structures on lots of less than 2,500 SF to 22' and two stories, should be further amended to allow for a height of 32' not to exceed two stories.
- The council should take no action on changes pertaining to recreational marijuana. The CPC recommends that the mayor convene a working group to further study the issue and make changes accordingly.

The CPC found that the amendment would be in character with Comprehensive Plan objective LU1, which calls for protecting and enhancing stable neighborhoods; H2, which calls for creation of new housing; LU3 which encourages the maintenance and enhancement of residential areas; and BE2 and BE3 which encourage compact urban development and new development to complement traditional character.

The CPC found that the amendment would conform to the purposes of zoning listed in Section 101 include promoting the public health, safety and general welfare of the community; providing for a range of uses and intensities of use appropriate to the character of the city and its neighborhoods, reflecting current and expected future needs; providing for orderly growth and development; protecting the historic, cultural and scenic character of the City and its neighborhoods; promoting a balance of housing choices for all income levels and groups; and providing affordable, accessible, safe, and sanitary housing for the health, safety and welfare of all residents. The CPC found the amendment to be consistent with these purposes.

RECOMMENDATION

Upon a motion by Commissioner Potter, seconded by Commissioner Bilodeau, the CPC voted to recommend that the City Council approve the proposed amendment with the changes listed above.

The CPC voted as follows:

AYE: C. Potter, H. Bilodeau, N. Sanchez, M. Gazdacko

Sincerely,



Choyon Manjrekar
Administrative Officer

Mastroianni, Tina

From: Tenessa Azar <tazar@marlawri.com>
Sent: Friday, October 14, 2022 10:13 AM
To: Clerk, City
Subject: Ordinance Committee - October 19 Meeting
Attachments: Council Ordinance Committee 2022-10-14.pdf; Walker Consultants Memo - Providence Zoning Changes 2022-10-12.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

Please see attached for written testimony (with supporting attachments) for the October 19 meeting of the Committee on Ordinances. The materials relate to agenda item #1: An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to change certain text in Articles 2, 4, 5, 8, 9, 12, 13, 14, 16, 18 and 20.

Thank you



MOSES RYAN LTD
attorneys

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MOSES RYAN LTD
attorneys

Tenessa H. Azar
tazar@marlawri.com

October 14, 2022

Via Electronic Mail
cityclerk@providenceri.gov
Committee on Ordinances
Providence City Council
c/o City Clerk
25 Dorrance Street
Providence, Rhode Island 02903

Re: CPC Referral No. 3524 – Zoning Ordinance Amendment

Dear Honorable Council Members:

Our office writes to oppose the zoning ordinance amendment to Section 1406 Design of Off-Street Loading Spaces proposed in Ordinance 37989 (An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to change certain text in Articles 2, 4, 5, 8, 9, 12, 13, 14, 16, 18 and 20). The proposed change would reduce the minimum size of a loading space as follows:

	Existing	Proposed	Reduction
Length	35 ft	22 ft	- 13 ft / - 37%
Width	12 ft	10 ft	- 2 ft / - 16.7%
Vertical Clearance	15 ft	10 ft	- 5 ft / - 33.3%
Area	420 sq ft	220 sq ft	- 200 sq ft / - 47.6%

At a time when the number of deliveries to residences and businesses of all different types have increased dramatically and show every indication that they will *continue to increase*, it seems unwise to *decrease* the space required for the delivery vehicles.

Enclosed please find a memorandum by Walker Consultants that details the various impacts this proposed change would have on the City. As stated in the memorandum, "the proposed minimum dimensions would not allow many commonly-used trucks which are on the streets of Rhode Island today." By way of example provided, even a "15-foot" U-Haul truck, at a length of 22 and half feet and a height of 10 feet, would not fit into the proposed dimensions and

would leave no space for functional use. The memorandum also shows that the proposed dimensions would also have a negative impact on truck turning movements in the City's streets.

The proposed new dimensions are at odds with the space needed for functional loading operations. The proposed loading space dimension at 10 feet by 22 feet will be hardly larger than the 8.5 feet by 18 feet required minimum size for a standard parking space. Further, the Zoning Ordinance requires that a bicycle space have 7 feet of vertical clearance and as proposed, a loading space would only require 3 feet more of clearance.

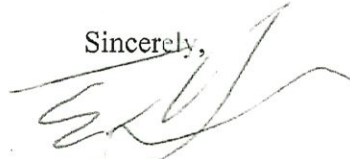
As evidenced by the chart above, this is a significant dimensional reduction that will have a negative impact on the functionality of the City of Providence. The narrower loading area would make turning movements significantly more difficult, slowing operations, creating congestion and minor accidents. Reducing the area of loading spaces by 47% will force loading activities into streets, sidewalks and parking areas. Walker Consultant's memorandum notes that regular commercial loading activity is not permitted in streets. This will create safety hazards for pedestrians, workers conducting loading activities, and vehicles. It will also disrupt traffic and increase wear and tear and damage to city sidewalks and streets.

The proposed loading space size is also significantly smaller than is required in other Rhode Island municipalities. Walker's memorandum incorporates some relevant comparisons, and a chart is also enclosed showing a dimensional comparison of surrounding municipalities.

We respectfully request that the City of Providence not implement this proposed loading space dimensional reduction.

Thank you for your attention to this matter. If you have any questions or concerns, or if you should require any additional information, please contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tenessa H. Azar', written over the word 'Sincerely,'.

Tenessa H. Azar

Enclosures

Municipality	Area	Length	Width	Height
Providence Proposed	220 sq ft	22 ft	10 ft	10 ft
Cranston ¹	450 sq ft	-	-	14 ft
Warwick ²	840 sq ft	60 ft	14 ft	15 ft
Pawtucket ³	660 sq ft	55 ft	12 ft	14 ft
East Providence ⁴	480 sq ft	40 ft	12 ft	14 ft
Woonsocket ⁵	600 sq ft	60 ft	10 ft	-

¹ 17.68.010 - Off-Street loading.

² 702.2. Number of required loading spaces.

³ 410-80 Off-street loading spaces.

⁴ Sec. 19-289. - Same—Space requirements. For club of any type, commercial educational institution, commercial recreation, cultural center, educational institution, motel, hotel or motor inn, hospital or sanitarium, office, place of public assembly, elementary, junior or high school or other similar use.

⁵ 5.2. Off-Street Loading Requirements.



Date: October 12, 2022
To: Barry Preston
Address: 168 Medway Street, Providence, RI, 02906
Copy To: Tenessa Azar, Moses Ryan Ltd.
From: Greg Strangeways, AICP
Project Name: Proposed Providence Zoning Changes
Project Number: 16-003453.00

OVERVIEW

The Providence Department of Planning and Development (DPD) issued a draft of proposed changes to the City of Providence Zoning Ordinance in June 2022 which are expected to be considered by the City Council in October 2022. This review focuses only on one such proposed change, in Article 14 Off-Street Parking and Loading, Section 1406.B Dimensions of Off-Street Loading Spaces. The proposed change would reduce the required dimensions for off-street loading areas as follows:

- Minimum width from 12 feet to 10 feet
- Minimum length from 35 feet to 22 feet (exclusive of aisle and maneuvering space)
- Minimum vertical clearance from 15 feet to 10 feet

These specific changes to off-street loading spaces were part of a package of many proposed changes to the zoning ordinance by DPD. While the City Plan Commission (CPC) reviewed the proposed zoning amendment and commented on some of the proposed changes, the CPC made no mention of off-street loading areas in their recommendation for City Council to approve the amendment.

This review documents some potential impacts of the proposed amendment for off-street loading areas due to some commonly used vehicles which would be able to use loading areas with the existing minimum dimensions but would not fit into the smaller loading areas with the proposed minimum dimensions. Some requirements from peer municipalities are also noted in our review. The findings from this review may be used by you and possibly others as supporting evidence for opposition to the proposed zoning change as currently drafted.

POTENTIAL IMPACTS

The proposed changes for off-street minimum loading area dimensions are currently for all land uses throughout the City. The types of vehicles making deliveries and providing services such as waste management would therefore vary significantly at different sites. Meanwhile, many trucks are assembled in pieces – cab, chassis, cargo container – and the size of commonly-used vehicles can evolve over time. Nevertheless, the proposed minimum dimensions would not allow many commonly-used trucks which are on the streets of Rhode Island today.

Height

Reducing the minimum clearance from 15' to 10' would enable loading areas that cannot accommodate many standard trucks. The Rhode Island state maximum clearance for trucks without a special permit is 13'-6". Rhode Island's Department of Transportation (DOT) publishes truck clearance limitation areas:

<https://ridot.maps.arcgis.com/apps/MapSeries/index.html?appid=eec1abaac4984494b673e8c75917149f>. Most streets in Providence can accommodate 13'-6" trucks.

Particularly for residential uses, consideration should be given to moving trucks. While vehicle dimensions vary, the standard "15 foot" U-Haul truck has a 10'-0" clear height exactly and their "26 foot" truck requires 11'2" clearance.

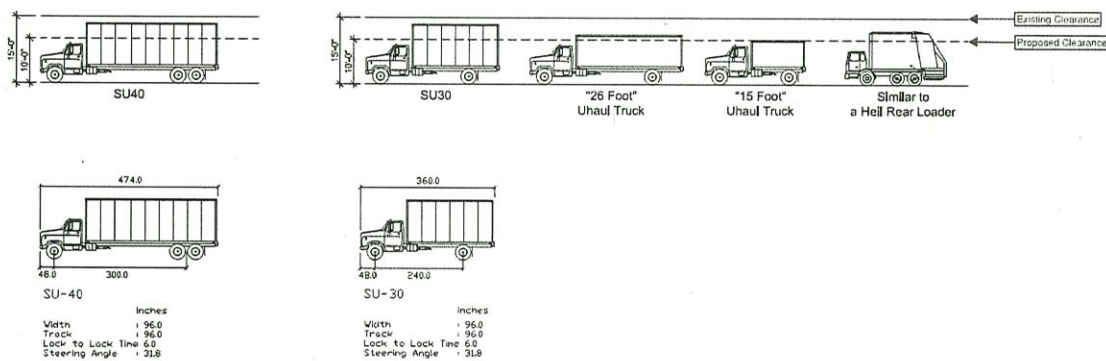
The exact fleet dimensions for common Amazon, FedEx, and UPS delivery trucks are not readily available but many of those vehicles are very close to 10 feet in height.

Regarding trash trucks, front loader and side loader models which lift containers over the vehicle are not as relevant to this review since they are used primarily in open areas or for curbside pickup. However, roll-off trash trucks often use off-street loading areas for traditional dumpsters, recycling containers, and trash compactor containers. Depending on the layout and method of loading/unloading, these trucks may require even more than 13'6" clearance. And even rear loader trash trucks which are commonly used for waste management pickup and don't lift anything over the vehicle often require clearances of more than 11 feet.

For class A office and lab space, many tenants typically require WB-62 trucks to regularly access a loading dock. While the height of tractor-trailers can vary, having at least the 13'6" clearance for loading areas provides critical flexibility at many sites.

It should also be noted that a few inches of extra clearance for trucks is desirable as a margin of error, particularly since ground slopes can affect the vehicle's profile and required clearance. The figure below illustrates some impacts of the proposed height for standard trucks.

Figure 1: Impact of Proposed Height Reduction for Common Trucks



Length

Reducing minimum length from 35' to 22' would similarly exclude many common trucks from using loading areas built to the minimum dimensions. A few examples are noted below.

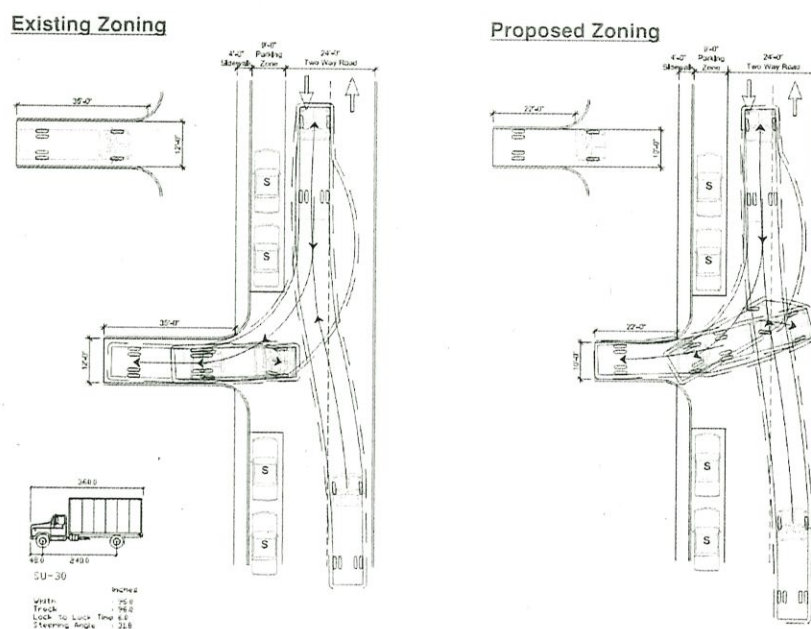
U-Haul moving trucks vary in length. Their “15 foot” truck has a full length of 22’-6”, the “20 foot” truck has a full length of 28’-7”, and their “26 foot” truck is 34’-6” long.

A rear loading trash truck can range in length, with some models longer than 22 feet.

Ambulances also use off-street loading areas and some are more than 22 feet long.

The figure below illustrates the very common “Single-Unit” SU-30 vehicle, which many cities use as the design vehicle for streets which are not truck routes. This vehicle would be too long for loading areas created with the proposed minimum length of 22 feet.

Figure 2: Impact of Proposed Length Reduction for SU-30 Vehicle



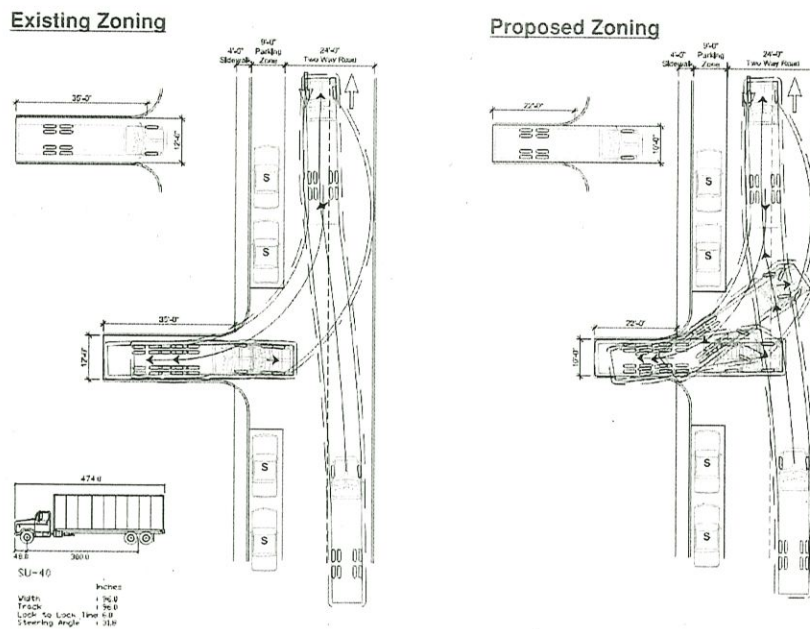
American Association of State Highway and Transportation Officials (AASHTO)
Single Unit 30' Truck (SU30)
10.11.2022

Width

The proposed reduction for width is from 12 feet to 10 feet. While most vehicles on the road are not more than 10 feet wide, even with side mirrors, the narrower loading area would make turning movements significantly

more difficult. This can lead to slower entry and exit from the loading area causing increased traffic congestion. The reduction in width can also contribute to additional minor accidents. These are among the reasons why most municipalities have at least a 12-foot minimum width for loading areas. The illustration below shows the impact for turning movements.

Figure 3: Impact of Width Reduction for Turning Movements



American Association of State Highway and Transportation Officials (AASHTO)
Single Unit 40' Truck (SU40)
10.11.2022

PEER MUNICIPALITIES

Many of Providence's peer municipalities have minimum loading area dimensions which are greater than the dimensions being proposed in the zoning amendment. Some examples are:

- Boston – 14'H x 25'L x 14'W
- Pawtucket – 14'H x 55'L x 12'W
- Worcester – 50'L x 12'W (no height minimum)
- Warwick – 15'H x 60'L x 14'W

SUMMARY

The proposed zoning change for Providence's off-street loading areas would apply city-wide and to all land uses and project sizes. These reductions in minimum dimensions would enable loading areas that would exclude many common trucks, and the proposed dimensions appear to be smaller than the requirements of similar municipalities. If developers build to the proposed minimums, some potential impacts for Providence are:

- Some trucks would be forced to park on-street, adding to traffic congestion; per City Ordinance Article I, Sec. 15-12. - Issuance of parking permits on city streets: Permits are available for "temporary" (up to 90-days) on-street commercial parking "when engaged in construction, maintenance or refurbishment of an adjacent property", but not regular commercial activity.
- Some delivery and waste management services may need to be performed more frequently with smaller vehicles, also adding to traffic.
- Some office, lab or residential space may become harder to lease, causing vacancies and negative economic impact for the City.

The loading area dimension item is a fairly sweeping proposal in itself and should be separated from the other proposed zoning changes for further study of potential impacts and best practices. The fact that the CPC did not even note this potential change in their review indicates that this reduction in loading area dimensions may not have received the proper scrutiny to date. It is recommended that the City Council not include the loading area dimension changes in any approved zoning amendment at this time, until a comprehensive study can be completed.

October 19, 2022

Honorable City Council
City of Providence
Providence, Rhode Island

Re: Proposed Zoning Change
Article 16. Signs
Section P (Old) Section M (Proposed New)
Scoreboards

Dear City Council:

It is the request of this letter that the City Council either table or continue the within proposed zoning change so as to enable abutting neighbors of the Moses Brown School to study and obtain substantive input relevant to the Council's decision making.

There is already significant opposition to the plans envisioned by Moses Brown for the commercialized utilization of its King "Doc" Odell playing field for non Moses Brown school team utilization. There have been efforts made to communicate with the Board of Directors of Moses Brown which have not been transmitted. In addition, the New England Yearly Meeting (NEYM) of Quakers has been advised. Finally, the matter will come before the Providence Monthly Meeting of Quakers (PMM) for discernment on the agenda for its Meeting for Business in November, 2022 (November 13).

The zoning changes proposed by the Department of Planning and Development to the City Council are several, some representing policy changes and some described as technical. The above proposed zoning change is referenced as being a technical change. The continued body of this letter sets forth why it not technical but more akin to policy.

In the first instance, the unveiled plan of Moses Brown for its playing field is, as to the neighbors, one of very, very recent vintage. Essentially, disclosure and meetings have occurred over the summer months of 2022. There have been a series of requests, some answered, and some not, by the neighborhood.

As required by the Zoning Ordinance, Moses Brown presented its plan to the City Plan Commission for a Development Plan Review (Article 12.M.) The hearing at the City Plan Commission was a mere one week ago, October 11, 2022. The City Plan Commission decision was not unanimous, and, there was concern that the unrestricted approval would essentially authorize unrestricted commercial use of the facilities, by non Moses Brown school athletic usage.

All of this in a Residential District.

For example, two concerns jump immediately to mind:

(1) The present language and proposed amendment allow a scoreboard to have undefined "advertising" language on its scoreboard.

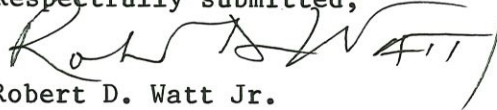
(2) The proposed language eliminates the present language "score keeping portion of the scoreboard" and replaces it with an overly broad "the scoreboard may be an electronic message sign".

2.

These changes are not technical but go to the very heart of restrictions contained in Article 12 as to residential zones. At a minimum: (1) the word "advertisement" should be stricken from the section; (2) if the amendment were to be allowed, the word "score" should be inserted so as to read "electronic score message sign"; and (3) a restriction should be added to make it clear that the scoreboard and its utilization is limited to Moses Brown athletic uses and not for commercial usage by other individuals or organizations.

It is respectfully requested that the proposed zoning change be continued on the City Council docket to a date, three months in the future, or that the proposed change be tabled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert D. Watt Jr.", with a stylized flourish at the end.

Robert D. Watt Jr.
84 Ship Street, Unit C
Providence, Rhode Island 02903

Attender Providence Monthly Meeting (Quakers)