

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2000-28

No. 538 AN ORDINANCE

AMENDING THE CITY OF PROVIDENCE ZONING ORDINANCE CHAPTER 1994-24 No. 365, APPROVED JUNE 27, 1994, AS AMENDED.

Approved

September 15, 2000

*Be it ordained by the City of Providence:*

Section 1. The Providence Zoning Ordinance Chapter 1994-24, No. 365, approved June 27, 1994, as amended, shall be further amended as follows:

- A. Section 101.7 - Overlay Zoning Districts is amended to add the following sub-paragraph following the Main Street Commercial Overlay District:

Westminster Street Overlay District - This overlay zone is intended to be superimposed on existing C-1, C-2, C-4, R-P and D-2, districts on Westminster Street between Route I-95 and Route 10. The overlay zone requires additional dimensional requirements and performance standards as provided in Section 506. In some instances, the Westminster Street Overlay District covers blocks from Westminster Street to parallel streets such as Washington and Carpenter Streets, in order to comprehensively protect the integrity of the block, and reduce the impacts of development on adjacent residential neighborhoods.

- B. Article V - Special Zones shall be amended by adding a new Section 506 entitled "Westminster Street Overlay District," as follows:

**Section 506 - Westminster Street Overlay District:** The Westminster Street Overlay District (WSOD) is hereby created in recognition of the critical role that this neighborhood commercial district plays in the viability of the surrounding neighborhood. Neighborhood commercial districts often are congested with traffic and unsightly parking along the main streets. The street is currently defined by poorly maintained buildings, negligible traffic controls and pedestrian amenities, multiple vacant lots, deteriorated infrastructure, and a lack of neighborhood-oriented retail and service businesses. This overlay will ensure that existing and future development contributes to a continuous and active street that addresses the contextual, human-scale, mixed-use, pedestrian friendly and automobile-accessible needs of the neighborhood and encourages neighborhood-oriented economic development. The intent of this section is to overlay the Westminster Street Overlay District on certain areas that are currently zoned C-1, C-2, C-4, R-P or D-2. It would require dimensional and performance standards that exceed the minimum standards provided for in the underlying zones. The uses for the underlying C and R-P zones shall not be changed except as provided herein.

506.1 Applicability - The WSOD applies to all existing and proposed buildings within the overlay zone, which are guided by the following principles:

- A) The design of the exterior façade of all buildings, including all exterior physical improvements within the WSOD shall meet the requirements as provided in this section.
- B) Any open space within any lot, whether occupied by a building or not, shall be subject to the requirements of this section.
- C) For any new construction, the requirements of this section shall apply to all parts of the building and lot.

No.

**CHAPTER**  
**AN ORDINANCE**

IN CITY COUNCIL  
 DEC 16 1999

FIRST READING  
 REFERRED TO COMMITTEE ON  
 ORDINANCES

*Michael P. Clement*  
 Clerk

THE COMMITTEE ON

Ordinances  
 Recommends Public Hearing  
*Clare Bestwick*  
 June 7, 2000 Clerk

THE COMMITTEE ON  
 ORDINANCES  
 Approves Passage of  
 The Within Ordinance

*Clare Bestwick*  
 July 10, 2000 Clerk

*Council President Lombardi, Councilwoman DeBuzzeo and Young (By Request)*

- D) Any structural addition that adds more than 25% increase in gross floor area shall be designed to bring a building into conformance with the requirements of this section.
- E) Any storefront renovations, where more than 25% of the facade of the store is altered, replaced, rehabilitated or restored, shall comply with storefront design requirements of this section.
- F) Any lot improvement shall be required to conform with landscaping and fencing requirements of this section.
- G) Requirements for the "main street" are more demanding than those for a side street, unless stated otherwise herein.
- H) Where the WSOD is also includes the Historic District overlay zone, pursuant to Sec. 501, said Sec. 501 shall take precedence over this section.

506.2 Use – Any permitted use within the underlying zoning districts are permitted in the WSOD, with the following exceptions:

- A) Residential uses in any C zone that is overlaid by the WSOD are prohibited from the first floor of a building that faces the main street.
- B) Uses that require enclosed buildings that are not inhabited by people and have no windows are prohibited.

506.3 Dimensional Requirements – Dimensional requirements of Section 304 shall be required, except as provided below:

- A) Minimum Front Yard - Any new building in any C zone that is overlaid by the WSOD shall be built with zero setback from the front lot line along the main street. The first floor entrance may be recessed no more than 4 feet deep and 6 feet wide.
- B) Frontage - Any new building in any C zone that is overlaid by the WSOD must extend a minimum of 60% of the lot frontage.
- C) Residential Lot Lines - Residential buildings are permitted to be set back between 4 feet and 6 feet from the front lot line to accommodate a stoop, porch, or window design and provide a front yard space. The portion of the lot that extends from the front lot line to a parallel line 4 feet to 6 feet back from said front lot line shall, at the minimum, comply with Section 506.3 D) Front Lot Line Treatment.
- D) Front Lot Line Treatment - Wherever there is no building at the front property line, or if any part of the lot is used to accommodate parking, such area shall comply with the following:
  - 1. Fence or Brick Wall - A fence or brick wall (less than 4 feet high) shall run the entire frontage of said lot. If the side frontage on a corner lot is used for parking, a wall or fence is required. Low fences (4 feet or less) shall be of wrought iron, ornamental metal or painted wood pickets. Any tall fence (ranging from 4 feet to 6 feet), necessitated for security purposes, shall be visually transparent wrought iron, or ornamental metal and shall include trees that are taller than the fence planted every 20 feet. All chain link, barbed wire or razor wire fences are prohibited. Fences and walls shall be low or transparent to allow viewing of landscaping. Solid fences or walls over 4 feet are prohibited.
  - 2. Landscaping - A landscaped edge that is at least 4 feet wide shall run the entire frontage of said lot. The landscaped edge shall include a low brick wall or fence as described in Section 506.3 D).1. Front Lot Line Treatment, Fence or Brick Wall. The landscaped area shall be planted with ground cover, low shrubs or flowering plants. At least one shrub or vine shall be planted abutting the wall every 10 feet. Trees are required every 20 feet along front property lines where there is not a building. Trees are required every 20 feet along the side lot line on corner lots and rear lot lines if the rear of the property is used for parking and

abuts a residential use or street. In addition, parking lots shall have one tree for every 10 spaces. New trees shall have a minimum caliper of 2 inches.

- E) Corner Lots – Buildings on a corner lot must be set to the corner of the front and side lot lines, with no setback. Where there is no building at the street corner property line, fencing or low brick walls with trees and landscaping is required in conformance with Section 506.3 D). Clearly designated and continuous sidewalks shall be maintained around all corners. Parking is prohibited at the corner of each lot, within a square area measuring 50 feet on each side of said corner.
- F) Drive In Establishment in the WSOD: In an underlying C-2 zone where a “Drive In Establishment” is permitted by special use permit, the Board may approve a drive-in window buildings with a footprint of greater than 8,000 square feet, provided that such window shall be located at the rear of the building. Notwithstanding any other provision of this Ordinance, any building with a footprint of less than 8,000 square feet shall not be granted a drive-in window. In all other underlying zones, where drive in establishments are prohibited, any variance request shall be deemed to be a use variance, where the standard for approval shall be in accordance with Section 902.3 B) 1). The ingress and egress to a permitted drive-in window shall be located greater than 50 feet from the side lot lines. Clearly designated, safe and continuous pedestrian sidewalks shall be maintained across curb cuts.

#### 506.4 Building Treatment

- A) Demolition – Any building that conforms to the use, dimensional and other requirements of this section shall not be demolished in whole or in part. Any building that does not meet one or more of the use or dimensional requirements of this section shall not be demolished except by special use permit by the Board, which shall make findings of fact that the building is unsafe, hazardous, and unfit for habitation or use and that construction on a new building that meets all the requirements of this section shall commence on the subject site within eighteen (18) months of the demolition of the original building.
- B) Building Height – Buildings shall be not less than two stories in height, with the first floor having not less than 10 feet from floor to ceiling. A one story building, with the first floor having not less than 10 feet from floor to ceiling, may be approved by the Board as a special use permit.
- C) Building Walls – No more than 10 consecutive linear feet of blank wall is allowed along the main street. No building shall extend along the main street for more than 35 linear feet without an entrance.
- D) Transition Line – A building shall have a transition line along the front façade that creates a distinction between the first and upper floors.
- E) Roof Treatment – The building shall have a well-defined roofline that finishes as a parapet with a cornice or overhang on the front façade along the main street or along the side façade if the building is on a corner or the side façade is visible from the main street or a side street.
- F) Main Entrances – Buildings shall have their main entrance from the main street. Corner buildings may have entries at the corner of the front and side street façades.
- G) Residential Porches – Covered entry porches are required for new residential buildings on the main street. Entry porches shall be preserved and maintained on existing residential buildings. Porch alterations must be in keeping with the historic character of the original building.
- H) Building Materials and Finishes – The primary building materials of the front façade, side façades visible from the main street, or along a side street frontage at a street corner shall be brick, wood, pre-cast concrete or smooth stucco (conventional or synthetic). Limestone, sandstone, granite and terra cotta are also permitted. Finish treatments shall be paint, stain, unfinished brick or stone or painted stucco.
- I) Vinyl or Aluminum Siding – Vinyl or aluminum siding is not permitted.

- J) Concrete Building Materials – The use of corrugated or cinderblock concrete walls is not permitted.
- K) Roof Materials – Building materials for sloping roofs including mansards shall be slate, wood or asphalt shingles or standing seam metal.
- L) Lighting: Small shielded fixtures shall be used and directed towards the building. Site lighting must be limited to the property. Light spill onto the street or adjacent properties is not permitted.
- M) Types of Building Lighting: Storefront lighting (exterior and interior) shall be incandescent or metal halide and shall remain illuminated until nine p.m. on weekdays and Saturday. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners).
- N) Trademark Buildings: Buildings housing trademark businesses of local, regional and national “chain” retailers must conform to these regulations.
- O) Utilities and Services: On site utilities, junction boxes, HVAC, antennae, satellite dish and utility boxes shall be located underground, on the roof of buildings, or above ground at the rear of the building. They shall not be easily visible or audible to pedestrians on the sidewalk. Utility boxes, mechanical equipment and dumpsters shall not be located in the public pedestrian space. They shall be located a minimum distance of 20' from the sidewalk and screened from view.
- P) Awnings: Awnings on the main street are encouraged. Awnings shall be designed to provide a convenient covered sidewalk area for pedestrians. Awnings may be utilized for signage and lighting and shall conform to Section 607 for the appropriate signage and Section 506.4 M) for lighting. Awnings shall not cover significant architectural features.
- Q) Canopies: Free standing canopies shall be scaled to passenger automobiles and not to buses or large trucks. Canopy heights shall not exceed 13 feet clear. Canopy lighting shall conform with Section 506.4 M) for lighting requirements. Signs are not permitted on canopies in the WSOD.
- R) Security Window Guards: Solid surface roll down window guards are not permitted.

#### 506.5 Storefront Design

- A) Existing Storefronts – Existing buildings which have been designed for retail use on the first floor shall maintain the storefront design. Renovations that exceed 25% of the facade must conform to new construction requirements as provided in Section 506.5 B).
- B) New Storefronts – For any new construction, the first floor transparency shall be equal to at least 70% of the wall area between the height of 2 and 9 feet from the ground. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. Interior window treatments shall not block views into storefronts.
- C) Upper Story Treatment – The upper floors of all new buildings shall have 15% to 40% transparency of wall surface. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. At least 50% shall be operable windows with a minimum vertical dimension of 4.5 feet and a minimum horizontal dimension of 2.5 feet. Windows in masonry buildings shall be recessed at least 4 inches from the plane of the façade. Continuous strip windows without major vertical dimensions are not permitted. First floor and upper story windows in existing buildings shall not be filled with opaque material such as brick, metal or sheet rock.

#### 506.6 Parking and Loading – Parking and loading requirements of Article VII shall be required, except as provided below:

- A) Principal Use Parking – Principal use parking lots (Use Code 64 Parking Principal Use and 64.1 Parking Lot Principal Use) are prohibited in the WSOD.

- B) Space Requirements – Parking space requirements may be reduced by a minimum of 50% but cannot exceed a maximum of 80% of the spaces required by Section 703.2. The paved area of a lot shall not exceed the maximum parking required herein.
- C) Landscaping – Along all parking lots and loading areas, a 4-foot wide landscaped edge shall be maintained where the property meets the street or sidewalk. This shall include a fence or low brick wall (less than 4 feet high). Clearly delineated pedestrian paths into the parking lot shall be provided for lots of more than 20 spaces. Parking areas shall accommodate bicycle racks. Lots with more than 20 spaces shall be separated by landscaped islands 8 feet wide. Parking lots shall have a minimum of one tree for every 10 required spaces. Trees are required every 20 feet at rear lot lines if the rear of the property is used for parking and abuts a residential zone or use or the street. Trees shall be planted in protected pervious plots of at least 60 square feet. Fencing placement, heights and materials must comply with Section 506.3 D) 1, Fence or Brick Wall and landscaping placement and materials must comply with Section 506.3 D) 2., Landscaping.
- D) Site Access – Parking lots are not permitted in front of buildings and shall be located to the rear of buildings, wherever possible. Parking may be allowed at the side of buildings but shall not exceed 44 feet (one 20 foot parking bay and one 24 foot access lane) in width along the street. Parking lots that are 64 feet in width along the front facade (two 20 foot bays of parking and one 24 foot central access lane) are allowed only if a building addition extends 20 feet to conceal the bay of parking along the side of the building. Landscaping is required as provided in Section 506.6 C).
- E) Loading: Loading areas shall be to the side or rear of the building. If visible from the main street, the side loading area shall be screened from view, and shall conform with Section 506.6 C).
- F) Lighting – Lighting poles shall be located within landscaped islands for safety and aesthetic reasons. Poles shall be staggered to maintain a uniform light distribution. Light fixture height shall be less than 14 feet to minimize dark spots. Lights in landscaped areas shall be below the tree canopy to minimize dark spots. Light fixtures shall be restricted to 250 watt metal halide lamps. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners). Lights shall have a light cutoff at less than 90 degrees and a beam cutoff of less than 75 degrees. The total cutoff of light shall occur within the lot lines.
- G) Stormwater Runoff Reduction – Driveway and parking lot surfaces are encouraged to be permeable, using such materials as brick, concrete pavers, “grass-crete” and other similar permeable materials, but not gravel. Vegetative buffers shall be planted to treat runoff as it percolates into the soil.
- H) Curb Cuts – One lane curb cuts shall be 10 feet wide. Two lane curb cuts shall be 18 feet wide. No more than one 18 foot curb cut or two separate 10 foot curb cuts are allowed per lot. The distance between curb cuts shall be no less than 50 feet. The continuity of the sidewalk surface shall be maintained across a curb cut while the material of the driveway shall be interrupted.

506.7 Signage – Signage requirements of Article VI shall be required, except as provided below:

- A) Wall Sign - Wall signs shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and details. Internally illuminated neon signs are permitted.
- B) Free Standing Sign – A freestanding sign shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic).
- C) Roof Signs – Roof signs are prohibited.

B. Section 103 A) - Official Zoning Map - Providence Zoning District Maps 14 and 17, dated October 24, 1991 and amended June 27, 1994, shall be further amended as follows:

The Westminster Street Overlay Zone encompasses the following lots:

Zoning District Map 24; Lots 611, 620 and 624.

Zoning District Map 25; Lots 177, 244, 245, 246, 247, 248, 249, 250, 252, 254, 404, 412, 413, 414 and 441.

Zoning District Map 29; Lots 43, 44, 46, 47, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 121, 122, 123, 124, 129, 131, 132, 133, 134, 135, 136, 137, 168, 169, 171, 175, 176, 177, 178, 185, 188, 190, 193, 194, 234, 272, 285, 373, 421, 423, 479, 480, 482, 486, 488, 491, 496, 501, 502, 504, 505, 506, 510, 511, 520, and 529.

Zoning District Map 32; Lots 32, 35, 37, 38, 44, 45, 46, 48, 49, 50, 51, 53, 55, 56, 59, 62, 65, 66, 67, 68, 83, 84, 101, 109, 190, 192, 194, 195, 196, 199, 206, 232, 233, 278, 279, 294, 314, 350, 351, 357, 365, 366, 384, 389, 392, 393, 394, 399, 414, 420, 429, 430, 432, 435, 437, 440, 444, 448, 450, 451, 452, 453, 455, 460, 462, 472, 475, 478, 483, 495, 502, 503, 506, 516, 527, 528, 529, 531, 534, 543, 573 and 574.

Zoning District Map 35; Lots 20, 22, 52, 135, 136, 137, 138, 200, 201, 203, 204, 321, 449, 471, 472, 473, 475, 483, 493, 518, and 569.

Section 2. This Ordinance shall take effect upon passage.

IN CITY COUNCIL  
AUG 3 2000  
FIRST READING  
READ AND PASSED  
*Richard R. Clement* CLERK

IN CITY COUNCIL  
SEP 7 2000  
FINAL READING  
READ AND PASSED  
*Richard R. Clement* CLERK  
*Richard R. Clement* PRESIDENT

APPROVED  
SEP 15 2000  
*Vincent A. Cianci*  
MAYOR

GEORGE CALCAGNI  
Chair



VINCENT A. CIANCI, JR.  
Mayor

## PROVIDENCE CITY PLAN COMMISSION

*"Planning The Future of Providence"*

June 27, 2000

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

**Re: Proposed Ordinance Rezone Portions of Westminster Street and to Establish the Westminster Street Overlay District and an Overlay District Ordinance Amendment**

Dear Councilwoman Williams:

At a regular meeting of the City Plan Commission on June 20, 2000, and pursuant to Section 1100 of the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, as amended, the Commission reviewed proposals for two amendments to the Ordinance. The Commission voted by a majority as described below to make certain findings of fact and to recommend that the proposed ordinance be approved with technical amendments.

### **Findings of Fact**

The amendments are consistent with the Comprehensive Plan in the following ways:

1. The land use plan in its Goals and Policies section, 4.1.2, calls for encouraging and focusing future commercial development along major arterials.
2. The Comprehensive Plan encourages the creation of clustered commercial uses while discouraging strip development.
3. The Comprehensive Plan encourages design criteria and control in select commercial areas such as Westminster Street.

The amendments are in accordance with the purposes of zoning as set forth in Section 100 of the Ordinance as follows:

1. They promote the public health, safety, and welfare.
2. They provide for a range of uses.

3. They provide for orderly growth and development.
4. They provide for a high level of quality of design.
5. They provide for implementation of provisions of the Comprehensive plan.

**Recommendation**

The Commission recommends approval of both amendments, with one minor technical amendment: the overlay is designed to work with commercial and R-P zones and not with residential. Six lots were inadvertently included in the overlay district. These lots are currently in and should remain in the R-3 zone. The Commission recommends deleting these 6 lots from the overlay at this time. These lots are lots 91, 94, 95, 219, 220 and 224 on zoning district map 35.

Sincerely,



Samuel J. Shamoon  
Associate Director for Planning