

CHAPTER 2016-6

No. 81 **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, 5, 12, 14, 16 AND 20, AND TO AMEND THE OFFICIAL ZONING MAP**

Approved March 8, 2016

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance," approved November 24, 2014, as amended, is hereby further amended by making the following changes, with additions underlined and deletions struck out:

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

202 RULES OF MEASUREMENT

F. Impervious Surface Coverage

Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Regardless of the surface treatment, all areas designated or used for parking or access to parking shall be considered impervious surfaces.

L. Lot Line

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 ~~is the shortest street~~ may be any one of the lot lines of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.

4. A corner side lot line is a lot line that is perpendicular or approximately perpendicular to the front lot line ~~and which is the longer street-abutting lot line of a corner lot.~~

O. Yards and Setbacks

4. Rear Yard and Rear Setback

A rear yard is located between a principal building line and the rear lot line. A rear setback is the required minimum distance per the zoning district that a principal building shall be located from the rear lot line. The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback for the lot, measured perpendicular to the rear lot line.

ARTICLE 5. COMMERCIAL DISTRICTS

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 facades that front on side lot lines on corner lots. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and is not subject to the ground floor transparency minimum. Multi-family dwellings are not subject to the ground floor transparency minimum.

ARTICLE 12. USES

1202 PRINCIPAL USE STANDARDS

G. Community Residence Community residences shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements. Community residences shall be provisionally licensed by the state when considered as a use by the City. Community residences in residential zones shall meet the design standards for single family dwellings of Section 1202.L.

1204 USE DEFINITIONS

Community Residence – Type I. A home or residential facility licensed by the state pursuant to Rhode Island General Laws Chapter 24 of Title 40.1, where six or fewer children and/or adults with developmental disabilities reside in a family setting and may or may not receive supervised care. This does not include halfway houses or substance abuse treatment facilities. ~~Whenever six or fewer children or adults with retardation reside in any type of residence in the community, as licensed by the state pursuant to Rhode Island General Laws Chapter 24 of Title 40.1, all requirements pertaining to local zoning are waived for these community residences.~~

Community Residence – Type II. A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This does not include halfway houses or substance abuse treatment facilities. This ~~does include, but~~ is ~~not~~-limited, to the following:

1. A group home licensed by the state pursuant to Rhode Island General Laws Chapter 24 of Title 40.1 or Chapter 17.4 of Title 23 providing care or supervision, or both, to not more than eight persons with disabilities or who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, and licensed by the state pursuant to Rhode Island General Laws Chapter 24 of Title 40.1.
2. A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver and licensed by the state pursuant to Rhode Island General Laws Chapter 72.1 of Title 42.
3. A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than 60 days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

Dwelling - Multi-Family. A structure or development containing four or more ~~attached~~-dwelling units used for residential occupancy or one or more dwelling units in combination with a permitted non-residential use. A multi-family dwelling does not include a rowhouse dwelling.

ARTICLE 14. OFF-STREET PARKING AND LOADING

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

TABLE 14-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS			
USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	PERCENTAGE OF REQUIRED BICYCLE SPACES THAT SHALL BE LONG-TERM SPACES
Community Residence	1 per dwelling-unit <u>5 employees and residents</u>		
Industrial — General	1 per <u>5 employees</u> 1,000sf GFA If warehouse space included, then 1 per 10,000sf GFA of warehouse space	1 per <u>5 employees</u> 5,000sf GFA	50%
Industrial — Light	1 per <u>5 employees</u> 1,000sf GFA If warehouse space included, then 1 per 10,000sf GFA of warehouse space	1 per <u>5 employees</u> 5,000sf GFA	50%

1404.H. Surfacing

1. All ~~surface~~ parking ~~lots-areas~~ shall be paved with a durable all-weather material or pervious paving. All uneven slabs shall be resurfaced to provide a smooth surface.
2. All single-family and two-family dwellings are permitted to construct driveways that consist of two concrete wheel strips, each of which is at least 18 inches wide and at least 20 feet long. (Figure 14-2)
3. All areas designated or used for parking or access to parking shall be considered impervious surfaces. Parking shall not be permitted on non-paved portions of the lot.

ARTICLE 16. SIGNS

Figure 16-9, second annotation: Maximum 2 square feet per linear foot of building ~~wall where the wall signs will be mounted~~ façade or 40 square feet, whichever is greater.

ARTICLE 18. APPLICATION AND NOTICE PROCEDURES

1801 NOTICE

D. Zoning Board of Review, Downtown Design Review Committee, and I-195 Redevelopment District Commission Public Hearing Notice

2. Public notice of the hearing shall be published at least fourteen days prior to the date of the hearing in a newspaper of general circulation in the city.
23. Mailed and newspaper notice shall include:
 - a. The location of the hearing and the date and time of its commencement.
 - b. The street address of the subject property.
 - c. A statement of the proposed variance, special use, or development under consideration.
 - d. Information for those interested where and when a copy of the matter under consideration may be obtained or examined and copied.
34. No defect in the form of any notice under this section will render any application for variance, special use permit, or development approval invalid, unless the defect is found to be intentional or misleading.
5. Costs of any notice required under this section are borne by the applicant.

ARTICLE 20. NONCONFORMITIES

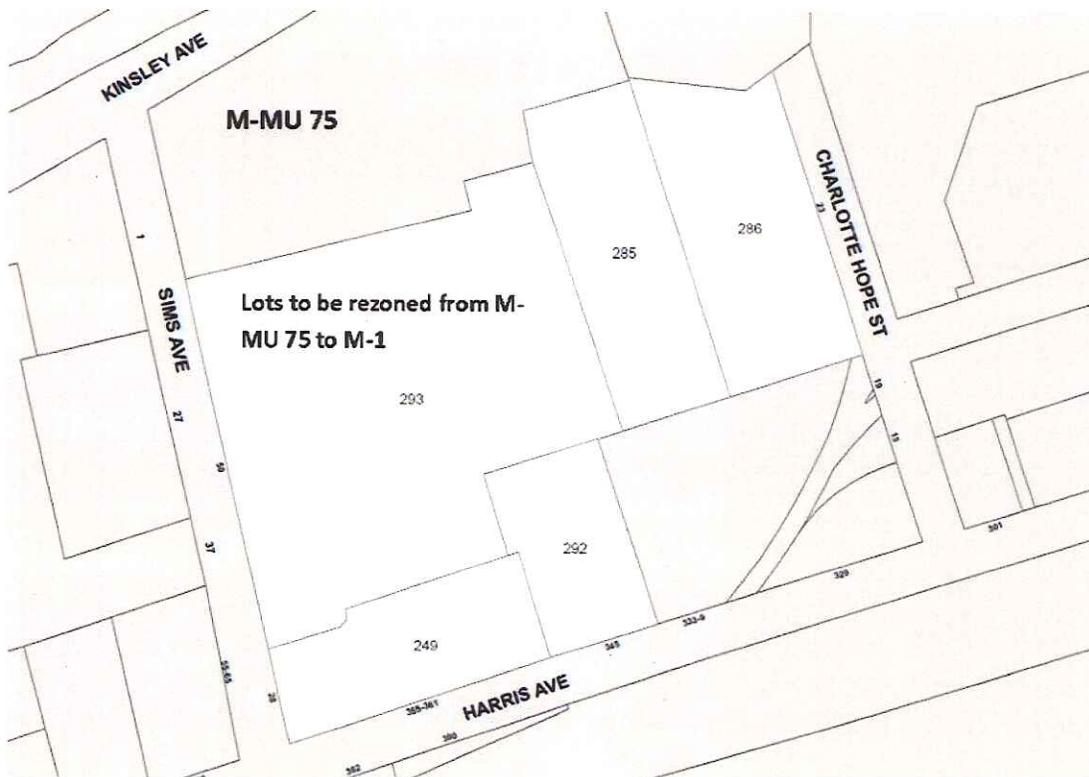
2000 GENERAL APPLICABILITY

D. RELATIONSHIP TO VARIANCES AND SPECIAL USE PERMITS

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

SECTION 2: The official zoning map shall be amended as follows:

The zoning for Plat 27, Lots 249, 285, 286, 292 and 293, as indicated on the attached map, shall be changed from M-MU to M-1. The Official Zoning Map shall note that Adult Use is not permitted on these lots.



SECTION 3: This ordinance shall take effect upon passage.

IN CITY COUNCIL
FEB 18 2016
FIRST READING
READ AND PASSED
Lois L. Hagen CLERK

IN CITY COUNCIL
MAR 03 2016
FINAL READING
READ AND PASSED
[Signature] PRESIDENT
Lois L. Hagen CLERK

I HEREBY APPROVE.
[Signature] Mayor
Date: 3/8/16



City Plan Commission
Jorge O. Elorza, Mayor

January 21, 2016

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

Attn: Lori Hagen, City Clerk

Re: Referral 3401-Amendments to the Zoning Ordinance

Dear Councilman Hassett:

At its regular meeting on December 15, 2015, the City Plan Commission (CPC) reviewed proposed amendments to Providence's zoning ordinance. The changes proposed by the Department of Planning and Development (DPD) intend to correct errors, make necessary clarifications, and rezone certain parcels from M-MU 75 to M-1. The CPC made further changes to the ordinance at their regular meeting on January 19, 2016. The changes have been summarized and evaluated for conformance with the Zoning Ordinance and the Comprehensive Plan. The proposed ordinance has been attached to this letter.

DESCRIPTION OF RECOMMENDED CHANGES

The changes proposed can be classified as technical changes, corrections, clarifications and map changes.

Technical changes

These changes are intended to better respond to development conditions. Changes proposed include amending parking and fenestration requirements in C-2 zones.

Clarifications

Clarifications in the ordinance include modifying the definitions of impervious surface coverage, and a front lot line, adding language to distinguish between types of community residences, clarifying the definition of multifamily dwellings and clearly defining the relationship between variances and nonconformities. The ordinance currently distinguishes between Type I and Type II Community Residences. The amendment will further specify the occupant thresholds of each type of residence and outline the populations they serve. The populations served by Type II Community Residences will

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include those who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living.

Article 1801 D pertaining to noticing has been amended to specify that the public notice requirements for meetings of the Zoning Board of Review, Downtown Design Review Committee and I-195 District apply to newspaper and mailed notices. The section has been further amended to state that newspaper notices shall be published at least 14 days prior to the hearing. The section stipulates that all noticing costs shall be borne by the applicant.

Corrections

Corrections are intended to correct grammatical and typographical errors like a missing word in Section 202.4 and an annotation of an illustration in Article 16.

Map Changes

The amendment also includes a proposed zone change for Plat 27, Lots 249, 285, 286, 292 and 293 to be changed from M-MU to M-1 to accommodate development not permitted in the M-MU zone.

FINDING OF CONSISTENCY WITH COMPREHENSIVE PLAN

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

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

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

FINDINGS OF CONSISTENCY WITH THE ZONING ORDINANCE

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

The CPC found that the changes provided for orderly growth and development which recognizes:

- i. The goals and patterns of land use contained in the Comprehensive Plan as defined;
- ii. The availability and capacity of existing and planned public and/or private services and facilities;
- iii. The need to shape urban development; and

- iv. The use of innovative development regulations and techniques.

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

- Promoting a high level of quality of design in the development of private and public facilities.
- Promoting implementation of the Comprehensive Plan, as it may be amended from time to time.
- Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

ACTION

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

Sincerely,



Choyon Manjrekar
Administrative Officer

Attachment: Proposed Ordinance Amendment