

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2012-26

No. 294 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 Create Revised Regulations for the I-195 Surplus Land Parcels in Fox Point and to Revise the Zoning Map to Create a New Zoning Overlay District and Revise the Underlying Zoning Districts C2, W2, and OS for Said Parcels, As Amended

Approved May 5, 2012

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 adding the following text and illustrative graphics:

ARTICLE 1 – GENERAL PROVISIONS

101.7 – Overlay Districts:

ESOD East Side I-195 Overlay District - This overlay district is intended to regulate future land use and development of East Side surplus land made available through the relocation of Interstate 195. The regulations provided in the overlay district will ensure that future development establishes an urban block structure, creates continuous building frontages, and promotes urban vibrancy. Furthermore, the regulations will foster development that is context-sensitive, pedestrian-friendly, and mixed-use, and improves pedestrian and vehicular accessibility in the Fox Point neighborhood and along the Providence Riverfront.

ARTICLE V – SPECIAL ZONES

Section 509. East Side I-195 Overlay District: The East Side I-195 Overlay District (ESOD) is hereby created in recognition of the need to guide the future land use and development of the East Side I-195 surplus land made available through the relocation of I-195. The regulations provided in the overlay district will ensure that future development establishes an urban block structure, creates continuous building frontages, and promotes urban vibrancy. Furthermore, the regulations will foster development that is context-sensitive, pedestrian-friendly, and mixed-use, and improves pedestrian and vehicular accessibility in the Fox Point neighborhood and along the Providence Riverfront.

These design regulations specify dimensional and performance standards that are in some cases more restrictive and in other cases less restrictive than the underlying zoning districts. The uses for the underlying C-2, W-2, RG, and OS Zones shall not be changed except as provided herein.

509.1. Applicability. The design regulations contained in this Section apply to all existing structures and new construction on property within the ESOD.

Section 509.2. Development Plan Review. All development in the ESOD shall be subject to development plan review by the Downtown Design Review Committee (DRC) or its staff following the process outlined in Section 502. For any property located in the ESOD that is also located in the I-195 Redevelopment District, the I-195 Redevelopment District Commission shall serve as the DRC. When the I-195 Redevelopment District Commission dissolves in accordance with R.I.G.L. 42-64.14-22, the DRC and its staff shall assume jurisdiction over said property.

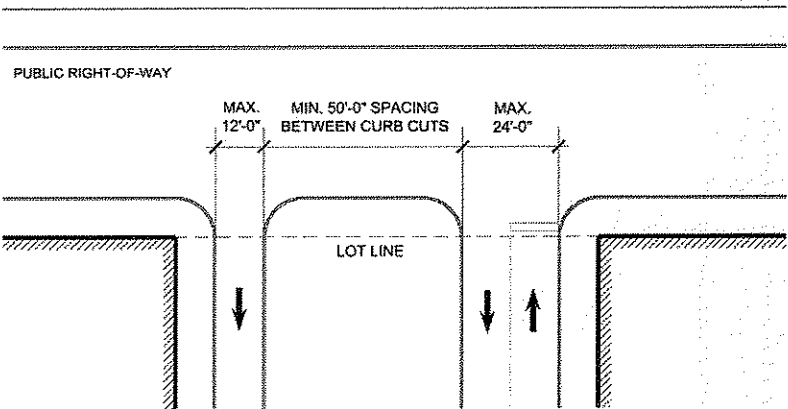
509.3. Use. Any permitted use within the underlying zoning districts is permitted in the ESOD, with the following exceptions:

- A. Principal uses that require enclosed buildings that are not inhabited by people and have no windows shall not be permitted.
- B. Principal use surface parking lots shall not be permitted.
- C. Ground-floor residential development shall not be permitted along Wickenden Street frontage.
- D. Detached single-family residential buildings shall not be permitted.
- E. Auto-oriented or automotive uses, including gas stations, car washes, car repair garages, vehicle storage, and retail uses with vehicle drive-through areas, shall not be permitted.
- F. Interim uses: An interim use is a temporary or transitional development, installation, or activity established on underutilized and/or vacant property for a predetermined period.
 - 1. Interim uses shall be permitted by DRC staff in the ESOD for a period up to five years. Subsequent approvals and time periods may be granted by the DRC by waiver. In such cases the DRC shall find that the interim use continues to provide public benefit.
 - 2. Requirements: Interim uses shall achieve all of the following requirements in order to be permitted:
 - a. Interim uses shall provide public amenities, public access, or promote economic development.
 - b. Interim uses shall encourage pedestrian activity with visual and/or physical access provided from the adjacent street edge.
 - c. Interim uses shall encourage street level activity through commercial enterprise, streetscape enhancement, public art, public education, and/or recreation.
 - 3. Structures containing interim uses are not subject to the new construction standards of this Section.
 - 4. Permitted interim uses: Permitted interim uses include but are not limited to the following:
 - a. Restaurants and sales/service retail (e.g. food trucks/carts and “pop-up” retail)
 - b. Farmers’ Market
 - c. Art and cultural installation
 - d. Passive and/or active recreational open space
 - e. Urban agriculture
 - f. Decorative lighting, fencing, and creative landscape treatments
 - g. Outdoor theater and performance

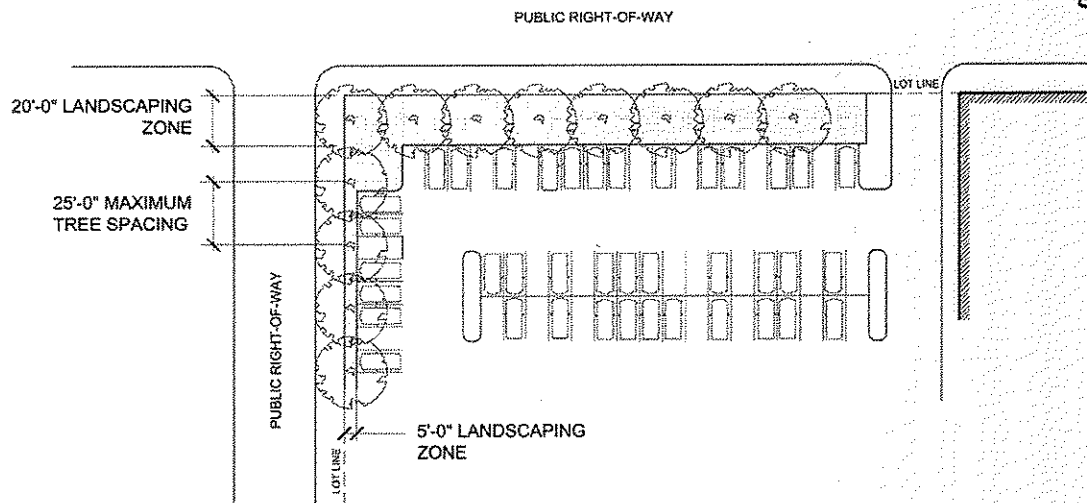
5. Prohibited interim uses: The following shall not be considered interim uses and are prohibited in the ESOD:
 - a. Surface parking lot
 - b. Vehicle storage yard
 - c. Chain link and barbed wire fencing
 - d. Solid walls higher than three feet

509.4. Parking. Parking shall conform to the requirements of Article VII of this ordinance, along with the following provisions:

- A. Driveway access to parking lots and parking garages shall be permitted on James Street, Transit Street, Dollar Street, Pike Street, Tockwotten Street, and George M. Cohan Boulevard.
- B. Driveway access to parking lots and parking garages shall not be permitted on South Main Street, South Water Street, and Wickenden Street, with the following exceptions:
 1. When the lot has no frontage on any of said streets;
 2. When supported by evidence indicating impracticality due to site conditions and approved by the City Traffic Engineer;
 3. To satisfy the provisions set forth in Section 509.12.
- C. The maximum width of a one-lane curb cut for driveway access to parking lots and parking garages shall be 12 feet. The maximum width of a two-lane curb cut for driveway access to parking lots and parking garages shall be 24 feet. The minimum linear distance between curb cuts shall be 50 feet.



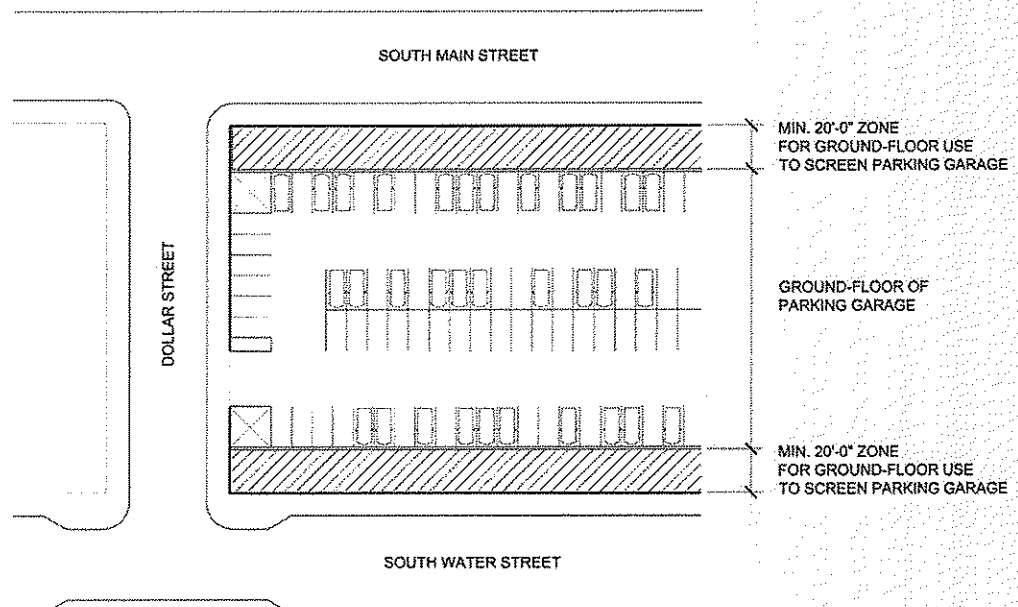
- D. Surface Parking: Surface parking is strongly discouraged in the ESOD, and shall only be permitted by waiver from the DRC as an accessory use subject to the following conditions:
 1. Accessory use parking lots shall be permitted only on the same lot as a Principal use building.
 2. Accessory use parking lots shall not be permitted within 20 feet of South Main Street, South Water Street, and Wickenden Street. For areas between the parking lot and South Main Street, South Water Street, and Wickenden Street that do not contain buildings, such areas shall be landscaped and fenced as required by the DRC. Such areas may contain hardscape elements.



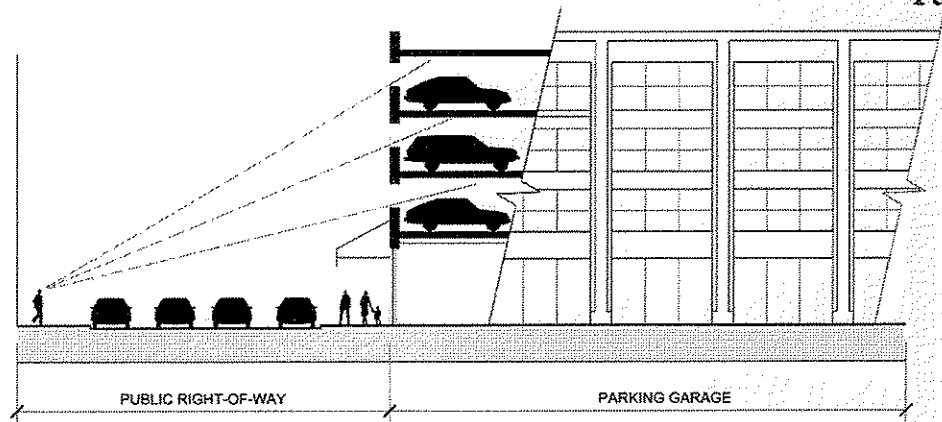
3. Surface parking provided along James Street, Transit Street, Dollar Street, Pike Street, Tockwotten Street, or George M. Cohan Boulevard shall be separated from the public right of way by a landscaped strip in accordance with Section 425.2 A). The DRC may require fences and/or walls to buffer the parking.
4. The DRC may impose a time limit on the waiver that permits surface parking.
5. The parking surface shall utilize low-impact-development practices consistent with city ordinance and state laws to treat and discharge stormwater.
6. Light poles may not exceed 18' in height, and their design shall conform to Section 429.
7. The DRC may impose further conditions to ensure that surface parking areas do not have a negative impact on the surroundings.

E. Parking Garages:

1. Ground-floor parking garages shall be physically separated from South Main Street, South Water Street, and Wickenden Street by a linear distance of at least 20 feet.



2. Parking garage façades shall conceal from view the entirety of all parked vehicles from the far side of any right-of-way that abuts the property containing the parking garage.

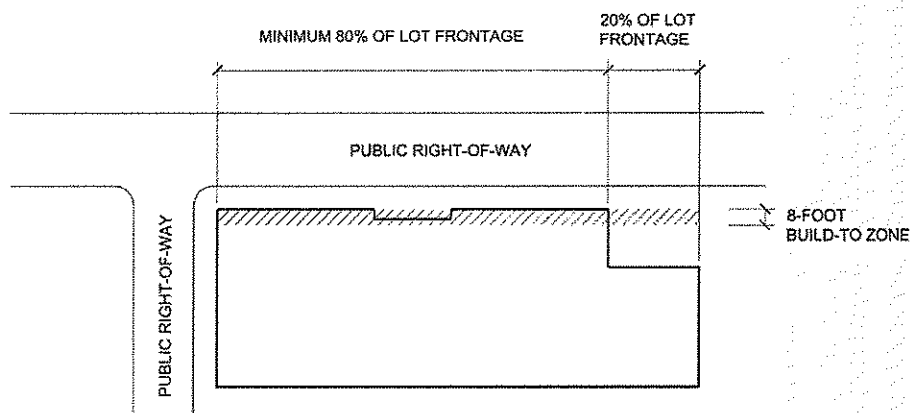


509.5. Loading. Off-street loading docks and areas shall be provided in accordance with Section 708 and the following provisions:

- A. Driveway access to loading areas shall be permitted on James Street, Transit Street, Dollar Street, Pike Street, Tockwotten Street, and George M. Cohan Boulevard.
- B. Driveway access to loading areas shall not be permitted on South Main Street, South Water Street, and Wickenden Street, with the following exceptions:
 - 1. When the lot has no frontage on any of said streets;
 - 2. When supported by evidence indicating impracticality due to site conditions and approved by the City Traffic Engineer;
 - 3. To satisfy the provisions set forth in Section 509.12.
- C. Interior loading shall be screened from view by solid, non-transparent doors which shall remain closed when the loading dock is not in use.
- D. The maximum width of a one-lane curb cut for driveway access to loading areas shall be 12 feet. The maximum width of a two-lane curb cut for driveway access to loading areas shall be 24 feet. The minimum linear distance between curb cuts shall be 50 feet. Wider curb cuts may be permitted by waiver if it's demonstrated that loading areas cannot be reasonably accessed given site conditions.

509.6. Dimensional Requirements. Dimensional requirements of Section 304 shall be required, except as provided below:

- A. Building façades shall be built within a build-to zone of between zero and eight feet from the lot line. Such façades shall occupy this build-to zone for at least 80% of each lot frontage of the property. These provisions shall apply to all land within the ESOD, with the exception of Parcel 1A.



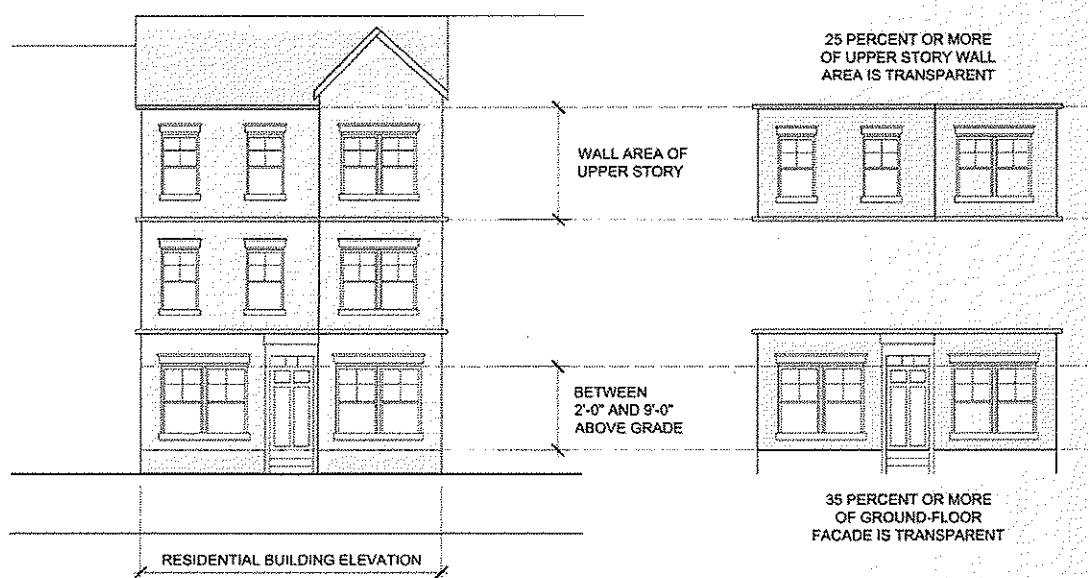
- B. Minimum building height shall be two stories, with the exception of Parcel 1A.
- C. Minimum building height for Parcel 1A shall be one story.

509.7. Building Treatment:

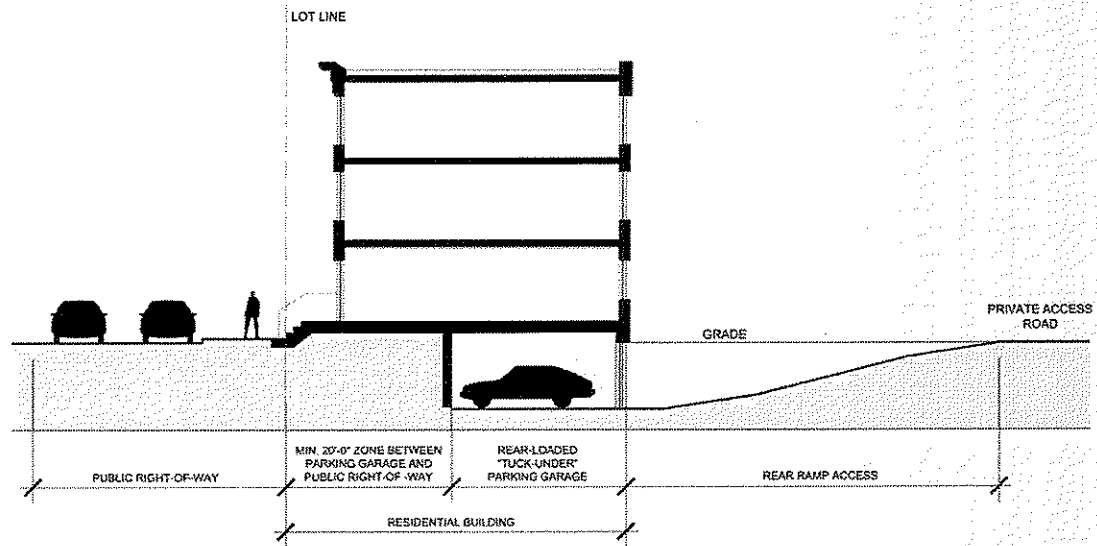
- A. The design of the building base and upper stories shall be expressed in a manner that defines the pedestrian realm at ground-level and provides visual relief through the use of building step backs, façade articulation, material changes, and/or similar architectural features.
- B. The primary exterior finish materials on the façade shall be brick, limestone, sandstone, granite, terra cotta, cast stone, glass, metal, painted wood, cement-based composites, phenolic resin-based composites, or other similar material. The use of non-durable materials such as exterior insulated finishing systems (EIFS), vinyl, and other similar products shall not be permitted on the first floor and is discouraged on upper floors.
- C. Internal site lighting shall include decorative and/or concealed fixtures. Light spillage onto a public street or adjacent properties shall not be permitted.
- D. Awnings on South Main Street, South Water Street and Wickenden Street are strongly encouraged. Awnings shall be designed to provide convenient and adequate covered area for pedestrians and conform to the following:
 - 1. Awnings shall be variations on the shed form.
 - 2. Use of one continuous awning across more than one building shall not be permitted.
 - 3. Awnings shall be constructed of metal, canvas, or fire-resistant acrylic. Use of plastic and vinyl shall not be permitted.
 - 4. Back-lighting of awnings shall not be permitted.
 - 5. Dome and waterfall types of awnings shall not be permitted.
 - 6. Awnings may project up to eight feet into a public right-of-way.

509.8. Residential Building Design:

- A. The ground-floor façade of first floor residential units shall contain areas of transparency equal to at least 35% of the wall area of the story between the height of two feet and nine feet above grade. Each upper story façade shall provide areas of transparency equal to at least 25% of the wall area of the story.



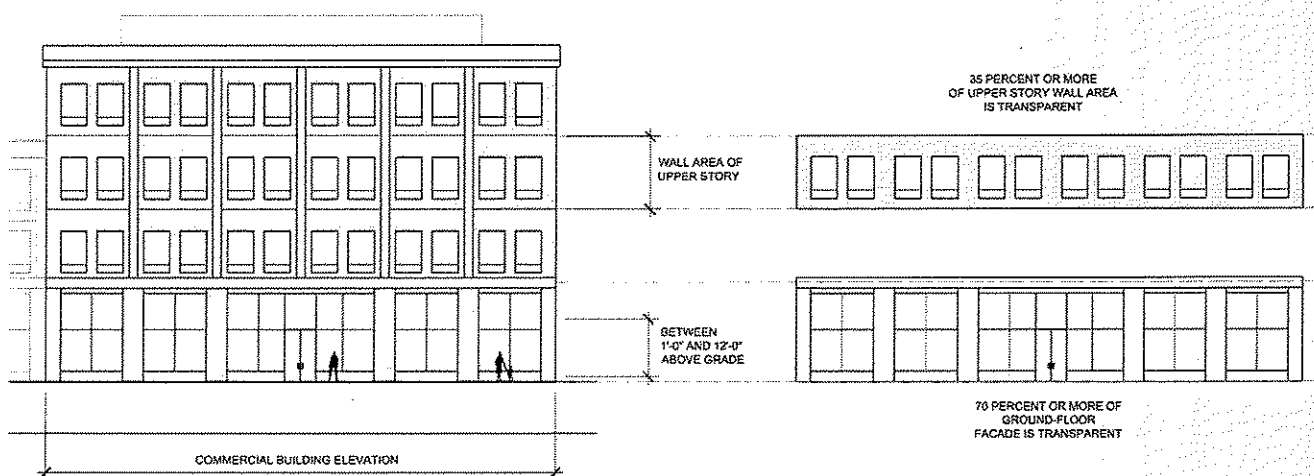
- B. Front-loaded residential parking garages with primary vehicle access from a public right-of-way shall not be permitted.
- C. Rear-loaded at-grade or "tuck-under" residential parking garages are encouraged and shall be permitted so long as they are sited a minimum linear distance of 20 feet from a public right-of-way.



- D. Ground-floor residential development shall be elevated 18-to-36 inches above grade along South Main Street and South Water Street and have primary building access from a public right-of-way.

509.9. Storefront Design:

- A. Variations in building materials, windows, color, articulation, signage, and awnings are encouraged and shall be permitted for ground-floor retail and restaurant uses.
- B. Commercial storefronts shall contain areas of transparency equal to at least 70 percent of the wall area of the story between the height of one foot and 12 feet above grade. Each upper story façade shall provide areas of transparency equal to at least 35 percent of the wall area of the story. This provision for upper stories may be waived if it conflicts with building or fire codes.

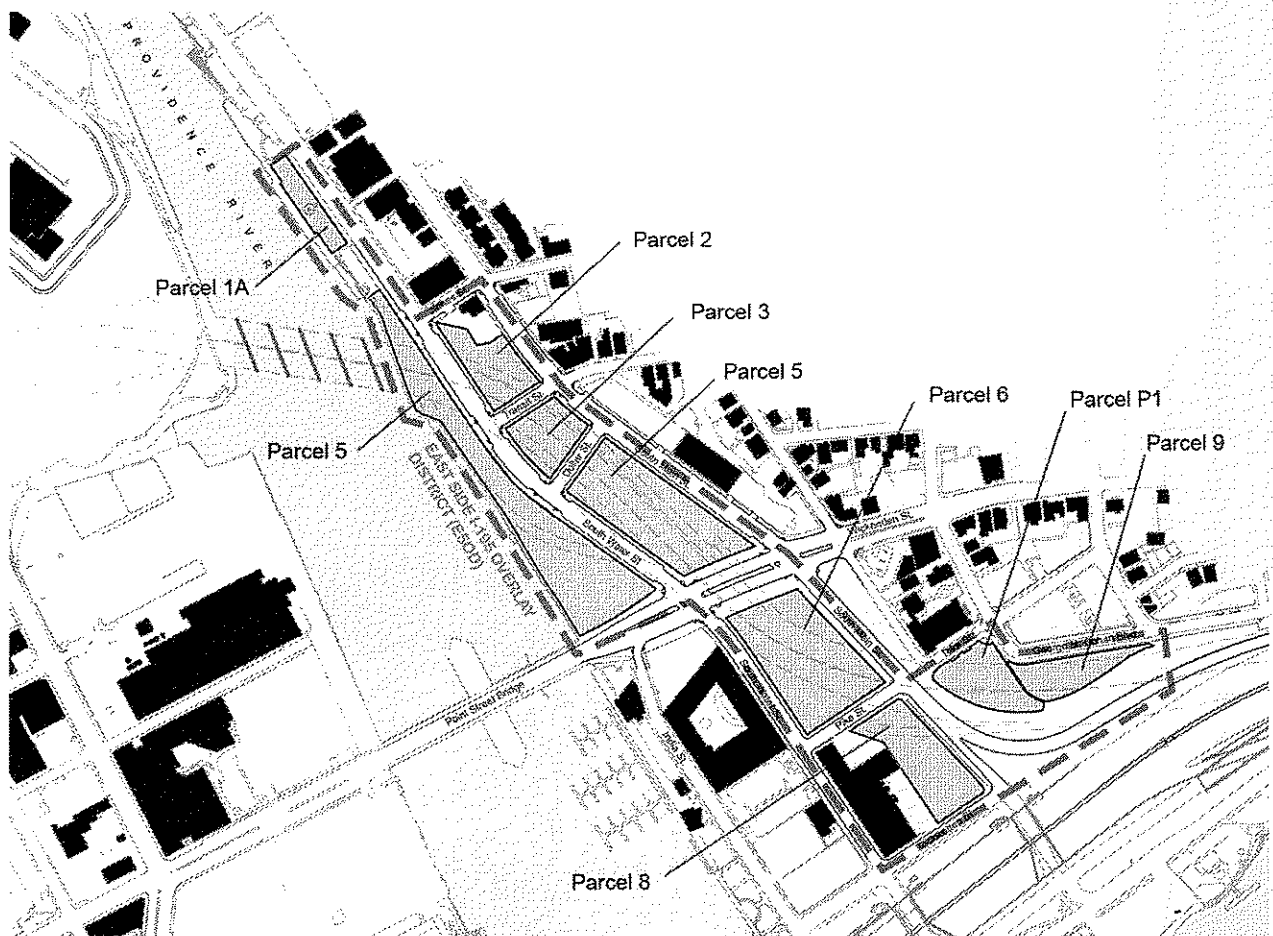


- A. Sign Illumination: Signs may be externally illuminated. Internal illumination shall not be permitted, with the exception of the following methods:
1. Reverse Channel – A method of illumination that casts a shadow of lettering or a logo on the face to which it is mounted.
 2. Stencil or Channel-Cut – A method of illumination that lights lettering or a logo and does not light the remaining face of the sign.
 3. Halo – A method of illumination that produces a halo of light surrounding lettering or a logo without illuminating the surface to which it is mounted.

509.11. Fences and Walls: Fences and walls shall be permitted subject to the following regulations. The DRC may grant waivers to these provisions.

- A. Exterior landscaping walls shall be faced to complement the surrounding architecture.
- B. Walls of a uniform material shall vary in pattern, texture and color and employ elements such as columns, pilasters, banding, or cornices to interrupt the monotony of continuous lengths of wall.
- C. Fences shall be constructed from steel, aluminum, or wrought iron and may include stone or brick piers. Fence colors shall be chosen to blend into the landscape.
- D. Fences and walls shall not exceed six feet in height.

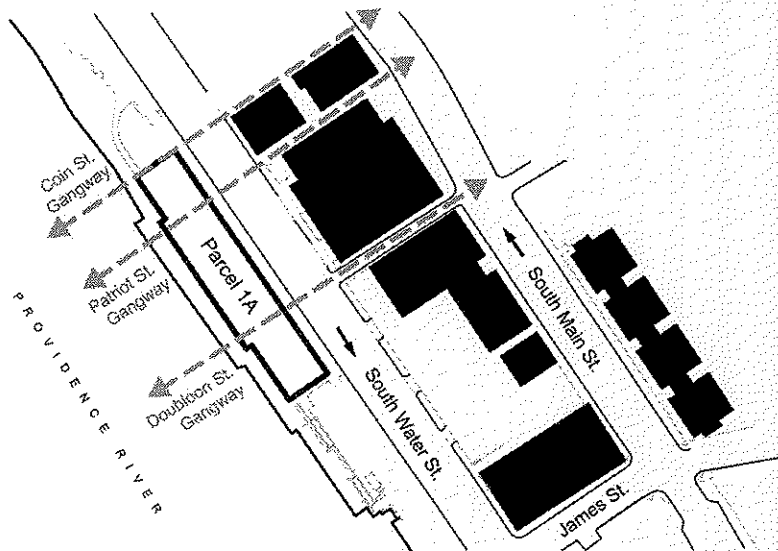
Section 509.12. Parcel-Specific Design Regulations. In addition to the above general design regulations, the following parcel-specific design regulations shall apply to development proposed for construction on the I-195 Relocation Surplus Parcels identified below.



East Side I-195 Relocation Surplus Land

1. Design Regulations:

- a. The ground-floor building façade of all new buildings fronting the riverfront and South Water Street shall contain areas of transparency at least 70 percent of the wall area of the story, between the height of one foot and 12 feet above grade, of each building façade.
- b. New buildings shall visually or physically reflect the historic alignment of the former Coin Street, Patriot Street, and Doubloon Street riverfront gangways through the use of signs, pavement markings, architecture, or other interpretive elements.
- c. Surface parking lots and parking garages shall not be permitted.
- d. Curb cuts and driveway access shall not be permitted.
- e. Off-street parking shall not be required.



B. Parcel 2:

1. Design Regulations:

- a. No parcel-specific design regulations, except as provided in this Section.

C. Parcel 3:

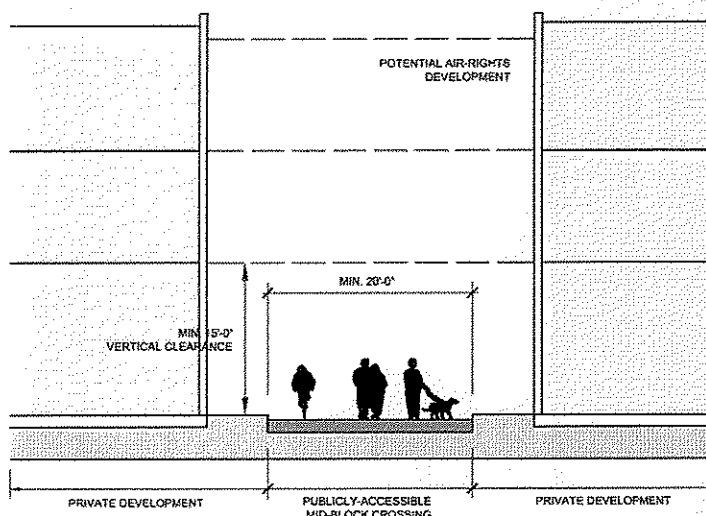
1. Design Regulations:

- a. No parcel-specific design regulations, except as provided in this Section.

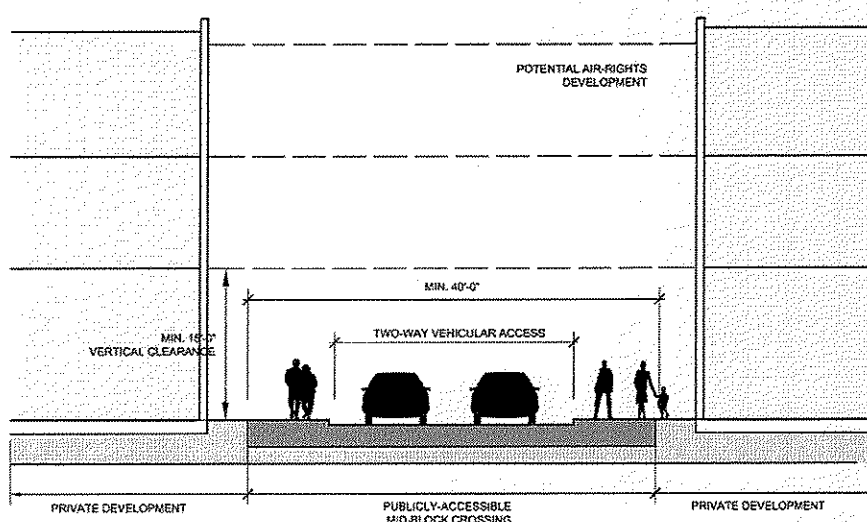
D. Parcel 5:

1. Design Regulations:

- a. Building façades shall be constructed on a build-to zone of between zero and three feet from the lot line for 100 percent of the Wickenden Street frontage.
- b. A publicly-accessible mid-block connection of at least 20 feet wide shall be provided for pedestrian and/or vehicular circulation between South Main Street and South Water Street; the centerline for which shall be located within a linear distance of between 30 and 70 percent of the length of the South Water Street block frontage between Dollar Street and Wickenden Street (see map). Curb cuts for access to vehicle parking and loading areas shall be permitted along South Main Street and South Water Street at said mid-block location.



**ILLUSTRATIVE EXAMPLE CROSS-SECTION:
MULTI-USE PATH**



**ILLUSTRATIVE EXAMPLE CROSS-SECTION:
PEDESTRIAN & VEHICULAR ACCESS**

E. Parcel 6

1. Design Regulations:

- a. Building façades shall be constructed on a build-to zone of between zero and three feet from the lot line for 100 percent of the Wickenden Street frontage.

F. Parcel 8

1. Design Regulations:

- a. No parcel-specific design regulations, except as provided in this Section.

G. Parcel 9

1. Design Regulations:

- a. No parcel-specific design regulations, except as provided in this Section.

H. Parcel P1

1. Design Regulations:

- a. No parcel-specific design regulations, except as provided in this Section.

I. Parcel P2

1. Design Regulations:

- a. No parcel-specific design regulations, except as provided in this Section.

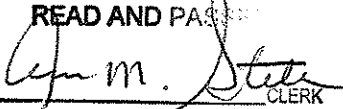
Section 509.13. Waivers and Development Incentives: Whenever an applicant requests a waiver or development incentive to the regulations of this Section, a public hearing shall be held in conformance with Section 903 of this Ordinance.

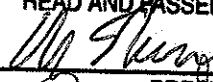

- A. Waivers: The DRC may grant waivers for any of the regulations provided herein that are in harmony with the general purposes and intent of the ESOD regulations. Where specified in this Section, certain limitations are placed on the granting of waivers. In granting a waiver, the DRC may impose conditions deemed necessary to carry out the purpose of this Section. In addition, the DRC shall make positive written findings on each of the following provisions:
 1. Literal enforcement of the provision for which a waiver is sought is impracticable;
 2. The design or development condition resulting from the waiver has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation;
 3. Granting of the waiver is in the best interest of good planning, urban design and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.
- B. Development Incentives: There exists a significant opportunity to create an active, mixed-use, pedestrian-friendly, and amenity-rich urban environment on the East Side I-195 surplus land and reconnect the Fox Point neighborhood to its waterfront. In order to achieve this vision, the City seeks to encourage development that has significant public benefits, strengthens the South Main Street and South Water Street corridors, and enhances east-west pedestrian connections to the Providence Riverfront. Height bonuses are intended to give property owners incentives to provide additional community amenities, such as passive and active recreational open space, active ground-floor land uses, mixed-use development, and transportation infrastructure, in conjunction with the proposed development.
 1. For proposed developments within the ESOD, the DRC is hereby authorized to grant height bonuses of up to two stories above the maximum building height of the underlying zoning district if one or more of the following are provided as part of the proposed project.
 - a. Provision of 50 percent or more of off-street parking in a parking garage in conformance to the provisions set forth in this Section;
 - b. Provision of on-site, publicly-accessible open space for passive and/or active recreation within the ESOD totaling a minimum of ten percent of the lot area, with the condition that the open space is available for use every day, year-round, during daylight hours, and maintained by the property owner;
 - c. Provision of a minimum of 5,000 sq. ft. of active ground-floor uses fronting South Main Street, South Water Street, or Wickenden Street including but not limited to restaurants and cafes, sales and service retail, professional office space, art galleries, performance space, and community event space;
 - d. Provision of vertical mixed-use development, of which at least 50 percent is devoted to residential use.

2. In granting a development incentive, the DRC may impose such conditions deemed necessary to carry out the purpose of this Section. Whenever an application requests a development incentive to the regulations of this Section, a public hearing shall be held in conformance with Section 903 of this Ordinance. In granting a development incentive, the DRC shall make positive written findings on each of the following provisions:

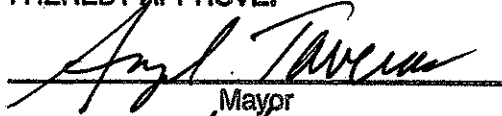
- a. The design or development condition resulting from the development incentive has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.
- b. Granting of the development incentive is in the best interest of good planning, urban design and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.

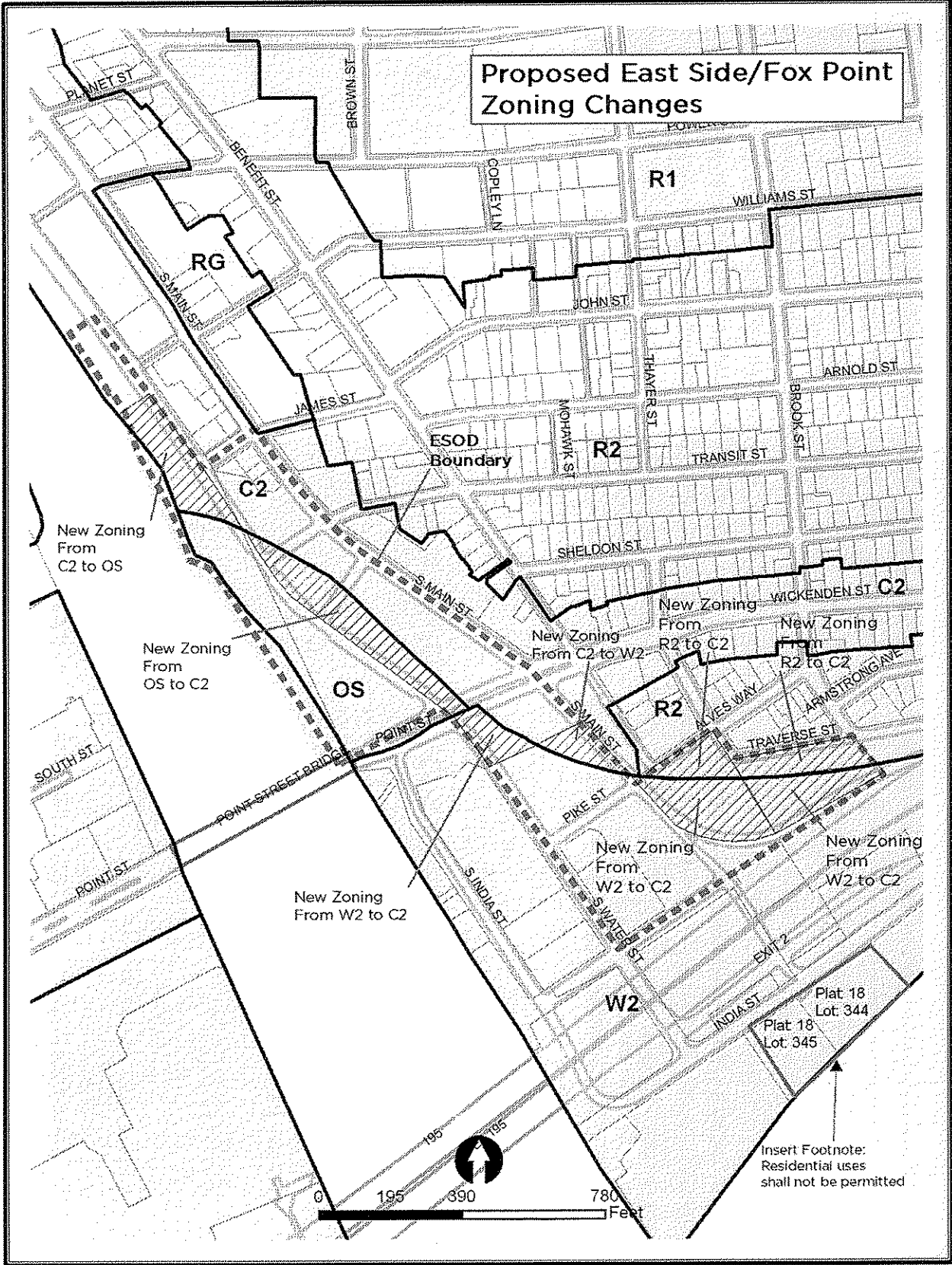
SECTION 2: The Official Zoning Map shall be amended according to the attached map, which shows existing and proposed zoning district boundaries.

IN CITY COUNCIL
APR 30 2012
FIRST READING
READ AND PASSED

CLERK

IN CITY
COUNCIL
MAY 03 2012
FINAL READING
READ AND PASSED

PRESIDENT

CLERK

I HEREBY APPROVE.


Mayor
Date: 5/5/12



SECTION 3: This Ordinance shall take effect upon passage and publication as prescribed by law.