



Department of Planning and Development
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Zoning Changes Proposed by the Department of Planning and Development
June, 2022

The attached documents describe changes to the Providence Zoning Ordinance formulated by the Department of Planning and Development, in conjunction with the Zoning Official. The first document is a draft ordinance; the second is a table that describes each of the changes. Most of these changes are intended to clarify or to fill in gaps in the regulations. They have been written to address issues that have come up in administering the ordinance since the last significant text amendments in 2019.

There are three changes proposed that represent policy changes. They are shown in color on the spreadsheet:

- The first, shown in purple, removes minimum lot area per dwelling unit in the R-4 zone (Table 4-1), and eliminates parking requirements for lots of 10,000 sf or less (Section 1410.B.7). The purpose of these two changes is to create a true multifamily zoning district that can achieve a higher density of dwelling units than is now possible. Regulations pertaining to setbacks, height, permeable surfaces, and lot coverage will not change. Note that no zoning map changes are proposed in this draft amendment. Any new areas of R-4 would have to be established by the City Council through a zoning amendment.
- The second, shown in blue, eliminates the provision that considers contiguous undersized lots in common ownership to be merged (Section 2003.E). It also creates maximum height of two stories, not to exceed 22' for buildings on lots of 2,500 sf or less in residential zones (Table 4-1). The purpose of these changes is to allow for the development of small lots for housing but to ensure that small lots are developed with appropriately-scaled houses.
- The third, shown in green, adds Cannabis Retail to the use category of Compassion Center/Cultivation Center (Sections 1200.E.4, 1202.EE and 1204, and Table 12-1). New state legislation that legalizes recreational cannabis requires communities that host compassion centers to accommodate retail cannabis establishments. This change would constrain retail cannabis uses to the same zones that currently allow for compassion and cultivation centers (M-1 and C-3 by special use permit, with required separation distances).

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. 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

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 ~~historic~~ appearance of a property including but not limited to paving, doors, windows, signs, materials, decorative accessories, fences, and historic 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.

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 1,150 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: 22', not to exceed 2 stories</u>	40', not to exceed 3 stories <u>Lots of 2,500sf or less: 22', not to exceed 2 stories</u>	45', not to exceed 3 stories <u>Lots of 2,500sf or less: 22', not to exceed 2 stories</u>	45', not to exceed 3 stories <u>Lots of 2,500sf or less: 22', not to exceed 2 stories</u>	45' <u>Lots of 2,500sf or less: 22', not to exceed 2 stories</u>	45' <u>Lots of 2,500sf or less: 22', 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' and less than 60': 6' Lot width 60' or more': 10'	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more': 10'	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more': 10'	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more': 10'	Lot width 40' or less: 4' Lot width more than 40': 6'	Lot width 40' or less: 4' Lot width more than 40' and less than 60': 6' Lot width 60' or more': 10'
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

1200 GENERAL REGULATIONS

E. 4. Plant Agriculture is a permitted use within all districts, including all industrial and commercial zoning districts, except where prohibited for public health or safety reasons or the protection of wildlife habitat. Plant Agriculture does not include Compassion Center/Cultivation Center/Cannabis Retail.

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 S	O S	C D	Use Standard	
Animal Care Facility							P	P	P	S	P		<u>P</u>		P							Sec. 1202.B
Compassion Center/Cultivation Center/ <u>Cannabis Retail</u>									S				P									Sec. 1202.E E
Utility	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	S	S			Sec. 1202.FF
Warehouse									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 ~~340~~ 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.

EE. Compassion Center/Cultivation Center/Cannabis Retail

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

Compassion Center/Cultivation Center/Cannabis Retail. A facility operated by an organization or business that is registered/licensed in the state to acquire and dispense medical cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients and/or registered/licensed by the state to perform the necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis and/or registered/licensed by the state to sell cannabis for recreational use.

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 <i>6' into interior or corner side</i> <i>8' into rear</i> <i>4' from all lot lines</i> <i>Prohibited in front yard</i>	N	Y	Y	Y
Outbuilding <i>Prohibited in front yard</i>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>

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 1,000 500 sf GFA

1406 DESIGN OF OFF-STREET LOADING SPACES

B. Dimensions

- 1. All required off-street loading spaces shall be a minimum of ~~42-10~~ feet in width, a minimum of ~~35~~22 feet in length, exclusive of aisle and maneuvering space, and have a minimum vertical clearance of ~~10~~15 feet.

1410 PARKING EXEMPTIONS

- 2. Specific parking exemptions may apply to the TOD Overlay District in Section ~~4406~~1105.
- 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. 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

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.

DRAFT

Section	Subject	Description of Change	Type of Change
Article 2 - Definitions and Rules of Measurement			
201	Definition of General Terms	Clarifies definitions of appurtenance and building line, adds definitions of intensification and outbuilding	Clarification
202.B, L, O	Rules of Measurement	Clarifies measurement of building height, lot line and front setback	Clarification
Article 4 - Residential Districts			
Table 4-1	Dimensional Standards	Removes minimum lot area per dwelling unit in R-4 zone to create a true urban multifamily zone (see change to Section 1410.B.7)	Policy
		Creates maximum height for buildings on small lots to ensure that new structures are scaled properly (see change to Section 2003)	Policy
		Adjusts side setback measurement and expands side yards for wide lots	Technical
Article 5 - Commercial Districts			
503.A.2, Fig. 5-1	C-1 and C-2 District Design Standards	Clarifies that entrances are for pedestrians	Clarification
503.A.3, B.2	Fenestration	Clarifies ground-floor fenestration requirement for C-1, C-2 and C-3 zones	Clarification
Article 8 - Industrial Districts			
803	Design Standards	Clarifies residential standards for industrial zones	Clarification
Article 9 - Waterfront Districts			
903.C.1	W-2 District Design Standards	Clarifies ground-floor fenestration requirement for W-2 zone	Clarification
Article 12 - Uses			
1200.E.4	General Regulations	Amends Compassion Center/Cultivation Center use to include Cannabis Retail (See Table 12-1, Sections 1202.EE and 1204)	Policy
Table 12-1: Use Matrix	Animal Care Facility	Permits animal care facility in the M-1 zone	Technical
	Compassion Center/Cultivation Center	Amends Compassion Center/Cultivation Center use to include Cannabis Retail	Policy

Section	Subject	Description of Change	Type of Change
	Utility	References new use standards (see Section 1202.FF)	Technical
	Warehouse	Permits warehouse in the M-MU zone	Technical
1202.H	Contractor Storage Yard and Storage Yard - Outdoor	Adjusts setback of fence or wall	Technical
1202.M	Educational Facility - Primary or Secondary	Clarifies when Development Plan Review is Required	Clarification
1202.S	Materials Processing	Requires screening of materials processing facilities	Technical
1202.V	Parking Lot	Introduces impervious surface regulations	Technical
1202.EE	Compassion Center/Cultivation Center	Amends Compassion Center/Cultivation Center use to include Cannabis Retail	Policy
1202.FF	Utility	Creates regulations for utility fencing and screening	Technical
1203.C.1	Temporary Mobile Food Sales	Specifies the timeframe for a temporary use permit	Technical
1204	Compassion Center/Cultivation Center	Amends Compassion Center/Cultivation Center use to include Cannabis Retail	Policy
	Vehicle Dealership/Repair/Service	Corrects the wrong word	Correction
Article 13 - Site Development			
1302.I	Fences and Walls	Clarifies that fences may be installed on lot lines	Clarification
1302.J	Detached Garage	Clarifies that garages may be used as office or recreation rooms	Clarification
1302.L	Mechanical Equipment	Clarifies that transformers are included in mechanical equipment	Clarification
1302.N	Refuse and recycling container	Clarifies the screening for refuse and recycling containers	Clarification
Table 13-2	Permitted Encroachments into Required Setbacks	Restricts decks from encroaching more than 4' into a setback	Correction
		Establishes encroachment rules for outbuildings	Clarification
Article 14 - Off-Street Parking and Loading			
Table 14-1	Off- Street Vehicle and Bicycle Parking Requirements	Reduces parking requirement for Animal Care Facility to one space per 1,000 sf of GFA	Technical
1406.B.1	Dimensions of Off-Street Loading Spaces	Revises dimensions for loading spaces	Technical
1410.B.2	Parking Exemptions	Corrects a reference	Correction
1410.B.7	Parking Exemptions	Adds R-4 to zones where parking is exempted on small lots	Policy
Article 16 - Signs			

Section	Subject	Description of Change	Type of Change
1606.P and 1607.M	Scoreboards	Changes scoreboards from signs not requiring a permit to signs requiring a permit; allows the scoreboard to be an electronic message sign but requires orientation toward the field of play	Technical
1607	Electronic Message Signs	Allows gas stations to use electronic message signs for fuel prices	Technical
Article 18 - Application and Notice Procedures			
1800.G	Application fees	Establishes a fee for a temporary use permit	Correction
Article 19. Zoning Applications and Approvals			
1904.C.2	Land Development Project	States that primary and secondary educational facilities in residential zones are not land development projects	Correction
Article 20 - Nonconformities			
2001.C	Nonconforming Use - Intensification	Clarifies definition of intensification	Clarification
2003.E	Nonconforming Lot - Merger of Substandard Lots of Record	Deletes regulation requiring merger of contiguous nonconforming lots	Policy