

Draft Zoning Assessment Report

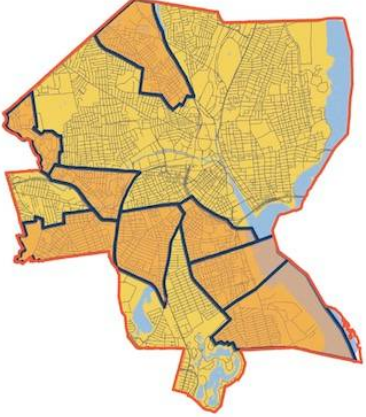
A Review of Zoning Regulations to
Implement the Climate Justice Plan

Prepared by Camiros for the
Providence Department of Sustainability


Assessment Goal

Zoning Assessment:

Review of Zoning Regulations to Assist in Implementing the Climate Justice Plan



Prepared by Camiros
For the Providence Department of Sustainability

camiros 

Purpose To advance select recommendations of Providence's Climate Justice Plan (CJP) through strategic updates to the City's Zoning Ordinance

What is Zoning

Zoning can

- ü Control the siting and dimensions of a building on a lot
- ü Control the type of uses allowed on a lot/within a structure and impose reasonable conditions on those uses
- ü Control the exterior design elements of a building

What is Zoning

Zoning **cannot**

- ü Control the design and construction of the public right-of-way
- ü Control the construction details and interior design of a building
- ü Control whether a building gets built.
Zoning provides the permissions for what can be built on a lot, but this does not mean that such development will happen.
- ü Control whether a building gets torn down.
There may be exceptions, such as historic districts and Downtown, but these must be clearly defined parameters and include a public review process
- ü Control the specific owner/operator of a use
- ü Control the ownership of the use (rental, owned, condominium, etc.)

Other Regulations

State and federal statutes have significant impact on local zoning

- Establish certain legal requirements and limitations that local zoning must follow
- Rhode Island General Laws establish limitations on the scope of zoning
- Federal statutes also impact zoning – ex., the Fair Housing Act

Rule of Thumb Federal statutes control over state statutes, and state statutes control over local zoning

State level zoning laws and regulations also pre-empt local zoning

- Includes regulations created by state level commissions, such as the Rhode Island Coastal Resources Management Council (CMRC)

Rhode Island A Consistency State

Per the State, zoning regulations must be consistent with the Comprehensive Plan

Currently, **Providence Tomorrow** (2014) is the comprehensive plan

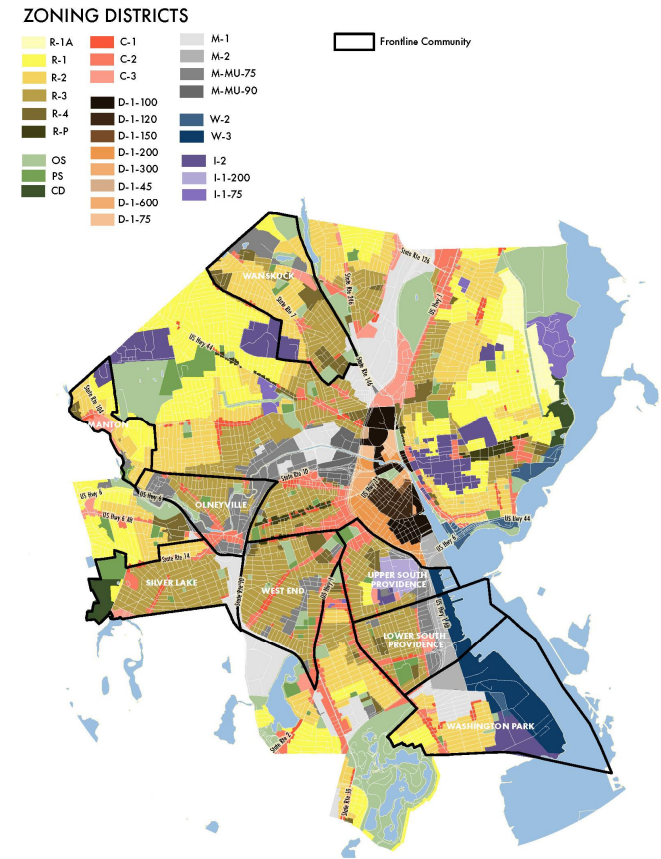
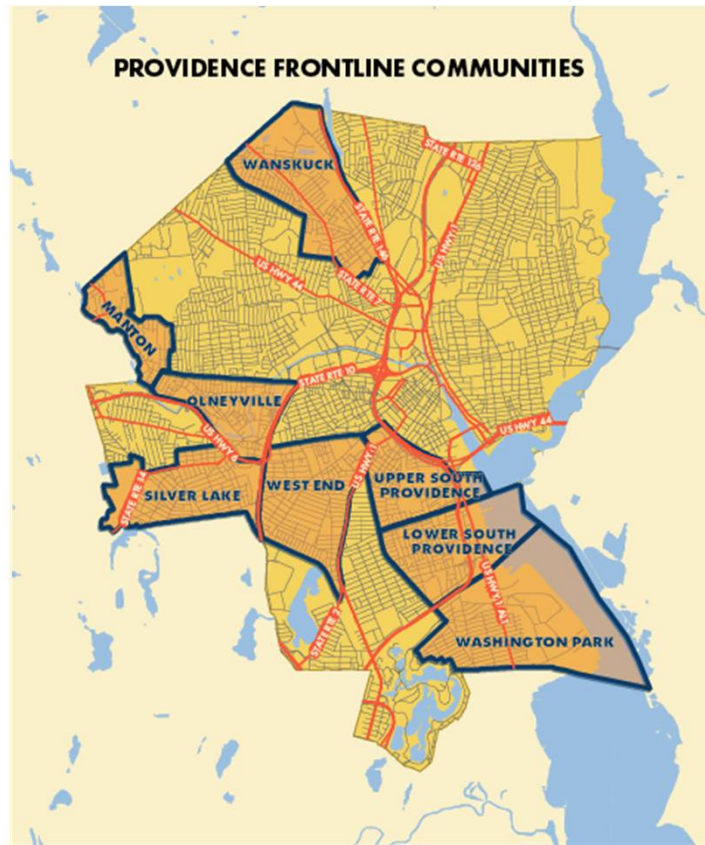
- Any changes to the Ordinance at this time must be consistent with that plan
- A number of the more significant policies within the CJP are not currently addressed or supported within the framework of Providence Tomorrow
- Policies cannot be legally implemented through zoning until the Comprehensive Plan is updated

City is currently in the early stages of updating Providence Tomorrow

- The community can provide input during this process to include policies from the CJP in the updated plan
- Creates a path for subsequent zoning changes in the future

Frontline Communities Zoning

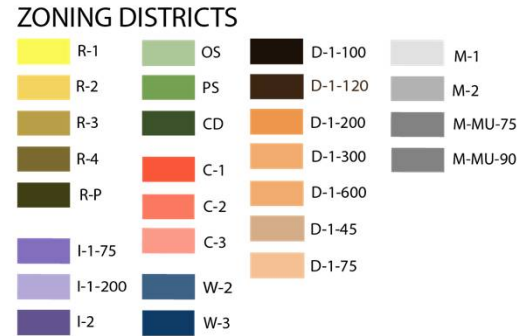
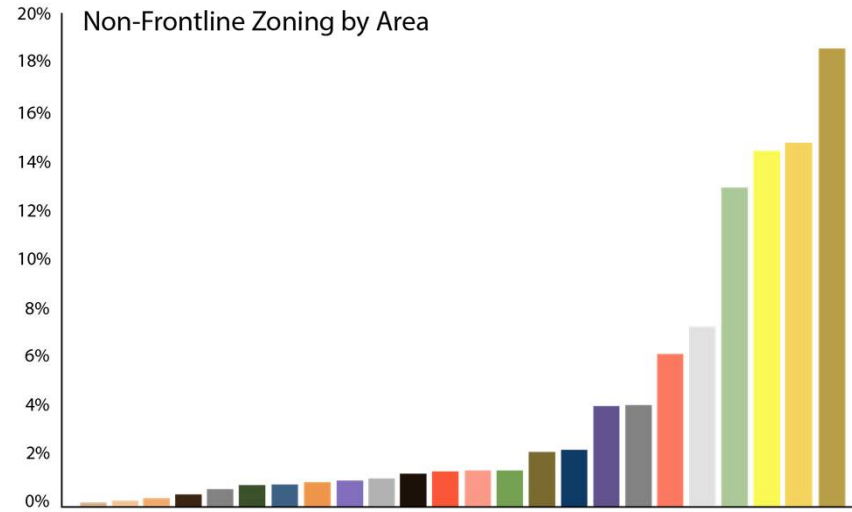
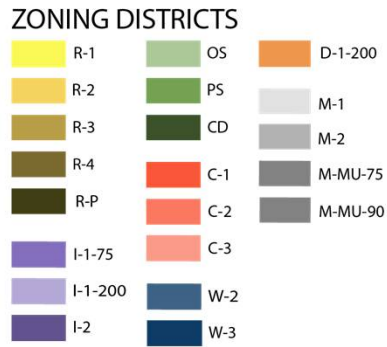
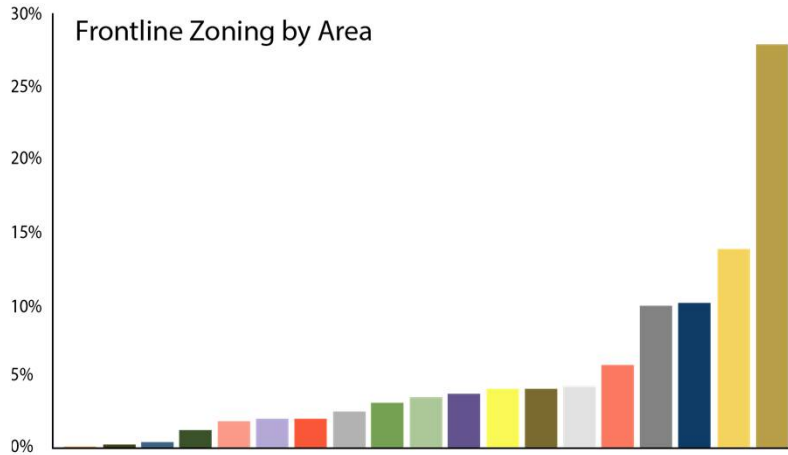
Frontline communities are those neighborhoods suffering the most significant environmental consequences of pollution. These are low-income communities of color that are also experiencing “economic, ecological, and democratic” injustices.



Providence Zoning Districts

GENERAL LAND USE CATEGORY	ZONING DISTRICTS
Residential Districts	R-1A Residential District (single-family) R-1 Residential District (single-family) R-2 Residential District (single-family, two-family) R-3 Residential District (single-family, two-family, three family, rowhouse) R-4 Residential District (all dwelling types) R-P Residential Professional District (allows small-scale commercial)
Commercial Districts	C-1 Neighborhood Commercial District C-2 General Commercial District C-3 Heavy Commercial District
Downtown Districts	D-1 Downtown District *The numbers after D-1 indicates the maximum height (in feet) allowed
Industrial Districts	M-MU Mixed-Use Industrial District M-1 Light Industrial District M-2 General Industrial District
Institutional Districts	I-1 Healthcare Institutional District I-2 Educational Institutional District *The numbers after I-1 indicates the maximum height (in feet) allowed
Waterfront Districts	W-2 Mixed-Use Waterfront District W-3 Port/Maritime Industrial Waterfront District
Open Space and Public Space Districts	OS Open Space District PS Public Space District CD Conservation District (protect City-owned natural areas)

Frontline Communities Zoning



Frontline Communities Zoning

- ü 100% of industrial port zoning is in frontline communities – specifically, Washington Park and Lower South Providence
- ü A majority of the more intense industrial zone, M-2, is in frontline communities
- ü There is a significant amount of the light industrial/mixed-use zone (M-MU) in frontline communities; however, this district permits a mix of industrial and commercial uses that are more compatible with adjacent neighborhoods and lower intensity uses
- ü Seven out of eight frontline communities are impacted by major highway infrastructure, either bisected or bound by these transportation corridors
- ü Residential zoning in frontline communities are typically the higher density zones
- ü Only 15% of all public and open space zoning falls within the frontline communities

Report Organization

Zoning Assessment organized around the following categories of the CJP

- I. Transportation + Connectivity
- II. Open Space + Landscape
- III. Stormwater + Flooding
- IV. Housing
- V. Administration
- VI. Uses

Zoning Action	<i>An amendment to the current Zoning Ordinance that can be undertaken in the near term.</i>
Other Ordinances	<i>Potential revisions to other City ordinances that can help to implement CJP policies.</i>
Comprehensive Plan Action	<i>Policies within the CJP that need support within the Comprehensive Plan in order to create regulatory changes.</i>

| Transportation + Connectivity

Electric Vehicle (EV) Charging Stations
Increased Connectivity
Truck Idling Performance Standards



I Transportation + Connectivity

Electric Vehicle (EV) Charging Stations

Increased Connectivity

Truck Idling Performance Standards

Rhode Island recently adopted legislation that requires parking facilities over a certain number of spaces to install electric vehicle spaces

Applies to new construction of parking facilities and expansion of current facilities over a certain percentage

Zoning Action

Update Ordinance to include the State's electric vehicle requirements.

I Transportation + Connectivity

Electric Vehicle (EV) Charging Stations

Increased Connectivity

Truck Idling Performance Standards

City's land development project process (Section 1904) provides incentives to implement City goals through modification of certain required zoning standards – projects over 10,000sf

Zoning Action

Include review criteria for site designs that create pathways through and along a development for pedestrians and/or bicyclists, as well as internal connections to larger pedestrian/bicyclist paths outside the development. Review criteria should also include site designs that offer safe circulation patterns to public transit stops as well as private amenities such as transit stop shelters.

Incentivize cross-access easements between parking lots to minimize curb cuts and preserve pedestrian/bicycle paths

Zoning Action

Include a percentage reduction in required parking for developments with cross-access easements.

| Transportation + Connectivity

Electric Vehicle (EV) Charging Stations

Increased Connectivity

Truck Idling Performance Standards

Convenience, visibility, and accessibility of transit can encourage the use of alternative modes of transportation

New design standards to acknowledge the presence of nearby transit stops, bike lanes, greenways and other features

Focus orientation of building entrances and design

Zoning Action

Include design standards that encourage building entrances to be oriented to transit stops and other multi-modal infrastructure in proximity to new development, in addition to encouraging the design of building facades that incorporate transit stops and bus shelters as part of their plazas and similar elements.

I Transportation + Connectivity

Electric Vehicle (EV) Charging Stations

Increased Connectivity

Truck Idling Performance Standards

Truck idling is a noxious activity; state law regarding this issue
- Rhode Island Diesel Engine Anti-Idling Program (250-RICR-120-05-45)

Protect residential areas by requiring loading areas to be sited away from adjacent residential areas, to be a certain number of feet from any shared lot line

Within the performance standards (Section 1304), the state law can also be specifically referenced

Zoning Action

Require on-site loading areas to be distanced from residential areas.

Include a reference to the Rhode Island Diesel Engine Anti-Idling Program within the Ordinance's environmental performance standards.

|| Open Space + Landscape

Landscape Standards
Buffer Yards



Open Space + Landscape

Landscape Standards

Buffer Yards

Require native species, building off existing resources such as the “Providence Tree List” from the Department of Public Parks

Species diversity requirement does not include specific standards that would guarantee a mix of species

Diversity increases resiliency - if one species experiences decline, the system remains robust

Zoning Action

Include specific requirements for the use of native species, which could be initiated with the use of the “Providence Tree List.” Include a formula that guarantees a resilient mix of species (species diversity) to ensure the long-term health and efficacy of buffers and other open space resources.

II Open Space + Landscape

Landscape Standards

Buffer Yards

Buffer Yard Standards

- Mitigate a number of impacts and provide a visual screen between incompatible land uses
- Help to attenuate noise levels between different land uses
- Plantings in buffer yards can help to slow and infiltrate stormwater and improve water quality by filtering out pollutants
- Improve air quality by catching and filtering airborne pollutants such as dust and other particulate matter

Zoning Action

Require a buffer yard between incompatible uses (residential vs. nonresidential/industrial) on larger sites that can accommodate such buffer. The integration of stormwater management techniques should be encouraged in the buffer yard.

III Stormwater + Flooding

*Stormwater Ordinance
Elevation Zoning Techniques*



III Stormwater + Flooding

Stormwater Ordinance

Elevation Zoning Techniques

Providence's stormwater management is a layered control

- City ordinance
- State ordinance
- Additional controls from commissions such as the Narragansett Bay Commission

Outside the control of zoning

Recommended to continue to review, evaluate, and potentially revise the City's stormwater management ordinance to ensure consistency between all levels of control and address any City specific issues

Other Ordinances

Continue to review, evaluate, and potentially revise the City's stormwater management ordinance. In particular, green infrastructure techniques and low impact development** should be considered as part of an updated stormwater ordinance.*

III Stormwater + Flooding

Stormwater Ordinance Elevation Zoning Techniques

Elevation zoning - zoning method that seeks to protect areas most likely to be affected by flooding, and direct intensive development to minimize risk from the impacts of sea level rise, increased precipitation, and stormwater runoff

Examples: Require new development within defined areas to be constructed at or above a certain base flood elevation, design structures with wet floodproofing

Calibrating standards requires modeling of conditions and testing of regulations to ensure that they are fine-tuned to Providence

Zoning Action	<i>As part of this Assessment, there are no specific recommendations for implementation of elevation zoning. This type of zoning tool requires additional research and modeling to determine the proper standards.</i>
Comprehensive Plan Action	<i>In addition, it is best to implement when adopted policies, such as those within the Comprehensive Plan, specifically call for its use and can support the additional studies needed at both the state and local level</i>

IV Housing

Providence adopted the Anti-Displacement and Comprehensive Housing Strategy

This will inform the housing strategies the City will undertake, including zoning updates

General housing strategy examples

- Increased density
- Alternative housing types – ADUs, Cottage Courts
- Middle density – allow a mix of dwelling types

Comprehensive Plan Action

These types of zoning actions need to be backed by adopted housing policy that provides clear guidance as to their proper implementation, which is typically part of a Comprehensive Plan.

The City's Planning Department is currently evaluating ways to create more housing within Providence, which can provide a policy framework that works in tandem with updates to the Comprehensive Plan.

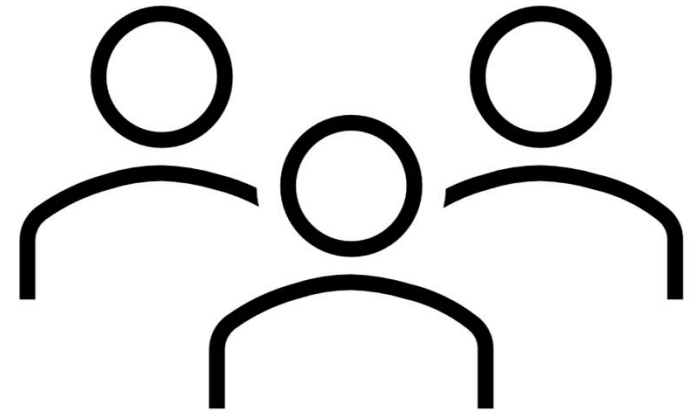
In addition, the City adopted the Anti-Displacement and Comprehensive Housing Strategy in February 2021. This will inform the housing strategies the City will undertake, including zoning updates.

Please visit the following site to view the plan:

<https://www.providenceri.gov/planning/comprehensive-housing-strategy/>

V Administration

*Additional opportunities for neighborhood input
Membership of the Interdepartmental Review Committee*



V Administration

Additional opportunities for neighborhood input

Membership of the Interdepartmental Review Committee

- Neighborhood meeting prior to formal submittal of a development project
- Opportunity for impacted neighborhoods to see concept plans and provide feedback
- Meeting conducted by developer; not the responsibility of the staff
- Community feedback documented and included in formal submittal
- Limit to projects over a certain size with significant impact
- Meeting is for informational purposes only
- No comments made are binding

Zoning Action

Require a neighborhood meeting as part of larger development projects within the land development project and City Plan Commission development plan review approval processes. This standard would include requirements for timing of the meeting, notice, rules for conduct of the meeting and documentation of input and attendance, and the inclusion of such documentation as a part of the formal submittal. A project threshold will need to be established to determine which developments would be subject to such a requirement.

V Administration

Additional opportunities for neighborhood input

Membership of the Interdepartmental Review Committee

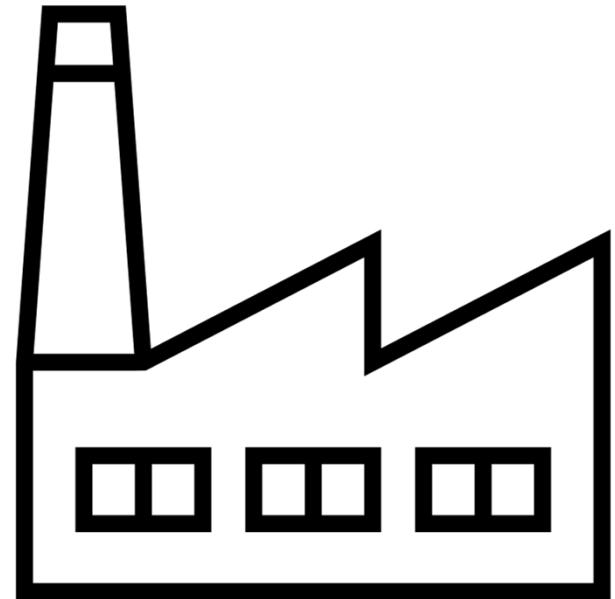
- Interdepartmental Review Committee (IRC) - City officials and staff review development proposals and provide technical feedback
- Developers must submit projects for review
- IRC provides feedback and make recommendations
- Membership of the IRC could be expanded to include a member of the Sustainability Commission

Zoning Action

Expand IRC membership to include representation from the Sustainability Commission and/or Sustainability Department.

VI Uses

Sustainable Uses
Industrial Uses



VI Uses

Sustainable Uses *Industrial Uses*

1. Current permissions for accessory structures quite permissive; cover a broad range of sustainability-focused uses
Evaluate and allow newer uses - “powerwalls”
2. Address permissions for neighborhood/local composting services
A central location where residents can drop off compost waste
3. Encourage the establishment of clean/green industrial
Further evaluation if current use categories have excluded these types of uses.
4. Regulations for solar panels occasionally conflict with historic preservation
Continue discussion to allow for more flexibilities in the location and design

Zoning Action (Items 1-3)	<i>Continue to evaluate the use structure and incorporate sustainable uses as identified above</i>
Other Ordinances (Item 4)	<i>Work with the HDC to create more opportunities and flexibilities to incorporate solar panels on historic structures.</i>

VI Uses

Sustainable Uses

Industrial Uses

- Heavy industrial uses (General Industrial, Tank Farm) have significant environmental impacts
- Major concern of the CJP
- Other cities adopt outside ordinances to create enhanced review of such uses
Ex: Chicago, Illinois; Camden, New Jersey
- This proposal - provide additional information to increase transparency and disclose mitigation efforts
- This does not to create additional approval criteria:
 - Potentially conflict with state and federal agencies
 - When conditions are imposed upon a use they must be objective; able to measured and verified

VI Uses

Sustainable Uses *Industrial Uses*

Provide a non-binding, informational report of how the use would be a “good actor”

Examples of requested information can include:

- A layman’s summary of how the use complies with required state and federal permits, as applicable
- Air pollution reduction technologies
- Plans to minimize odors, emissions, noise, dust, and glare
- Flooding controls (flooding and storm surge assessment and adaptation/mitigation)
- Energy efficiency or renewable energy elements
- Waste minimization or re-use programs
- On-site or off-site green stormwater infrastructure

Zoning Action

Consider the addition of an informational report for certain uses that may have significant environmental impact.

Key Area Port of Providence

CJP has specifically targeted “Restrict[ing] the import and storage of hazardous and polluting materials in the Port with a goal to phase out such materials by 2040.”

Key policies within the CJP include:

- Work towards a zero emissions, pollution-free port: Implement strategies to reduce climate and other pollution from port operations including vessels, trucks, cargo-handling equipment, and other industrial processes.
- Work towards a clean port economy: Restrict the import and storage of hazardous and polluting materials in the Port with a goal to phase out such materials by 2040
- Update zoning ordinance to prohibit new fossil fuel infrastructure

Perhaps the most significant zoning/land use issue within the CJP

However, many of the actions proposed require additional planning efforts before implemented in zoning

Policies must be established and adopted within the Comprehensive Plan

Key Area Port of Providence

As Rhode Island is a consistency state, Providence must maintain an ordinance consistent with the current comprehensive plan

The current Plan's future land use goals explicitly prioritize maintaining heavy industry within the Port

Significant modifications in waterfront activities as discussed in CJP must integrate such policies within an updated Comprehensive Plan

Comprehensive Plan Action

Significant modifications in waterfront activities per the CJP goals and policies currently run counter to many of the Comprehensive Plan's main economic objectives. Prior to any substantial zoning changes being considered within the area, such policies must be incorporated and adopted within an updated Comprehensive Plan.

Specific Topic Community Benefits Agreement

Community Benefits Agreements (CBAs) - legally enforceable private contracts executed between community-based organizations and developers, or a public agreement between a municipality and developer

CBAs typically bind developers in two ways:

1. CBAs impose requirements like those of typical land use regulation, with a focus on reducing negative externalities of the project
2. CBAs establish community development obligations, such as providing jobs and support for community development projects.

When a CBA is formed, developers provide commitments for a range of agreements that benefit the community in relation to the proposed development project

Common commitments:

- Affordable housing
- Wage standards
- Public open space
- Job training
- Local hiring requirements
- Economic trust funds
- Community services

Specific Topic Community Benefits Agreement

Example: Newport, Rhode Island
2021, Newport updated its Comprehensive Land Use Plan with goals for the North End Neighborhood

Update policies within Comprehensive Plan

Update includes strategies to utilize CBAs to bolster larger equity goals in particularly sensitive areas.

Specifically cite mechanism of CBAs in such policies

Plan calls for the City Council to establish a North End Benefits Committee - include residents from the neighborhood and City that experience the most significant inequities

Establish committee to negotiate CBAs

Comprehensive Plan Action	<i>Explore potential policies within the updated Comprehensive Plan for future use of CBAs within the City of Providence.</i>
----------------------------------	---

Specific Topic Green Justice Zone

A key strategy in the CJP is the establishment of Green Justice Zones in frontline communities

Consist of land use tools and strategies to improve community health and promote environmental justice by identifying where the health of residents may be disproportionately affected by major sources of pollution

These areas would not be official zoning designations - they denote areas within frontline communities where targeted investments in sustainability and equity are made

Goal would be to achieve health equity, improve quality of life, and create climate resilience in established frontline communities

Cooperative efforts between communities and local government, and extend beyond the reach of zoning regulations

Specific Topic Green Justice Zone

CJP calls for the following practices to be considered:

- Microgrids in critical community spaces
- Establishment of resiliency hubs
- Participatory budgeting processes
- Improvements to weatherization and energy efficiency
- Training and job opportunities directed at local community members
- Policy and regulatory changes to prevent further burden in frontline communities from pollution

Comprehensive Plan Action

Establish policies within the Comprehensive Plan and plan for the allocation of resources from the City and other agencies operating within these areas can set the stage for implementation of Green Justice Zones.

Summary Next Steps

This project is focused on current zoning regulations

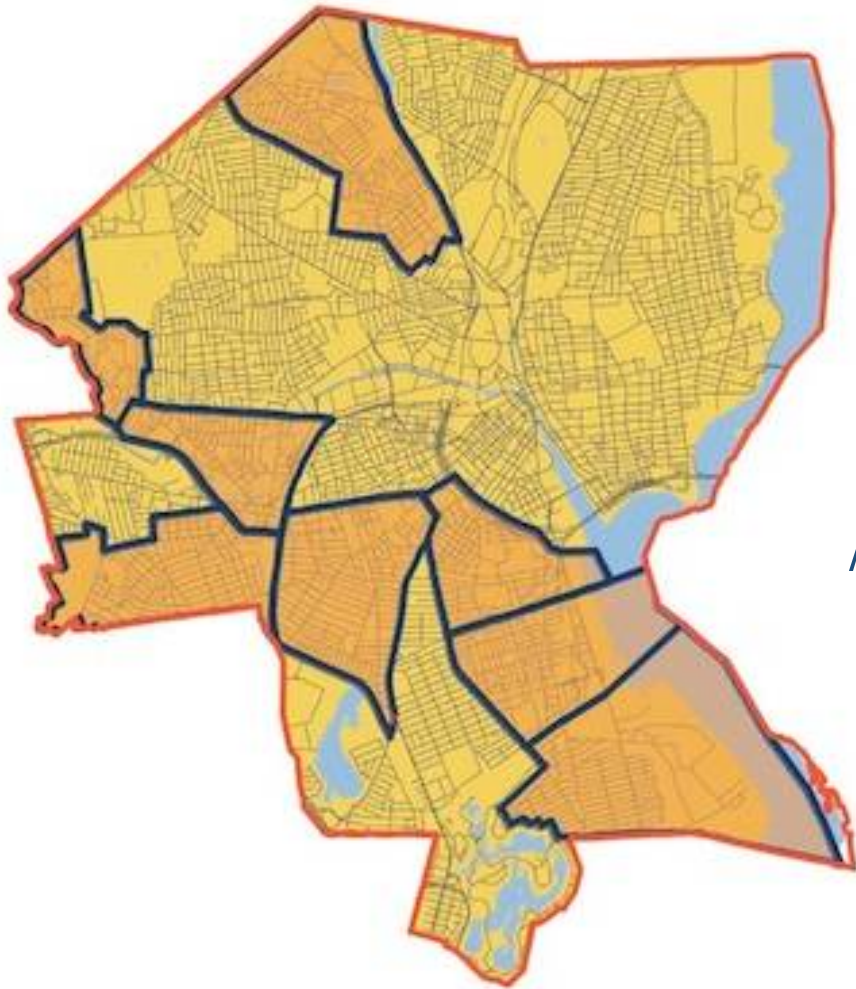
- Propose amendments to the Zoning Ordinance identified here to increase sustainability, climate justice initiatives
- All zoning amendments require a public hearing and action by Council

Additional items highlighted as larger policy changes

- Assessment provides opportunity to bring these items into the Comprehensive Plan discussion

Issuing a survey to gauge public opinion on these recommendations

- Each recommendation explained; survey asks for level of support



Zoning Assessment Report

A Review of Zoning Regulations to Implement the
Climate Justice Plan

Prepared by Camiros for the
Providence Department of Sustainability