

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, 9, 12, 13, 14, 16, 17, 18, 19, 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, with additions underlined and deletions struck out:

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

201 DEFINITION OF GENERAL TERMS

Attic. For residential dwellings, the space between the ceiling beams of the uppermost story and the roof. If that space has a ceiling height of more than seven feet ~~and six inches~~ for over ~~50~~25% of its area, then it shall count as a story.

Bay Window. A window system that projects outward from the structure, which does not rest on the building foundation or on the ground.

Curb Cut. A vehicular access point to a lot from the right of way, whether or not the interruption of a curb is required.

Residential Use. A structure arranged, designed, used, or intended to be used for residential occupancy by one or more families or households, which includes, but is not limited to, the following types: single-family, two-family, ~~semi-detached~~, rowhouse, and multi-family dwellings. Structures with dwellings above ground floor non-residential uses are considered mixed-use development, which are considered a non-residential use for the purposes of this Ordinance.

202 RULES OF MEASUREMENT

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, extending the full width of the lot. 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 extends~~ 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.

2. Interior Side Yard and Interior Side Setback

An interior side yard is located between a principal building line and the interior side lot line. An interior side setback is the required minimum distance per the zoning district that a principal building shall be located from the interior side lot line. The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard and setback, measured perpendicular to the interior side lot line. For rowhouse developments, the interior side yard and interior side setback are applicable to end units only. ~~For semi-detached dwellings, the interior side yard and interior side yard setback do not apply to the lot line where the party wall is located.~~

ARTICLE 4. RESIDENTIAL

400 PURPOSE STATEMENTS

E. R-4 Residential District

The R-4 Residential District accommodates a variety of residential structures: single-family, two-family, ~~and semi-detached~~, three-family, rowhouses, and multi-family housing. The R-4 District accommodates higher density residential development in areas that minimize negative impacts to lower density residential

neighborhoods. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be allowed.

402 DIMENSIONAL STANDARDS

C. Interior Side Setback Applicability

~~1. For semi-detached dwellings, interior side yards are required only along the interior side lot line where the party wall between dwellings is not located~~

~~21. For rowhouse dwellings, interior side yards are required only for end units.~~

TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS					
SF = Single-Family // 2F = Two-Family // 3F = Three-Family // RH = Rowhouse // MF = Multi-Family					
	R-1A	R-1	R-3	R-4	RP
Bulk Standards					
Minimum Lot Area	Existing Lots: None New Subdivisions <u>not for</u> RH: 7,500sf New Subdivisions <u>for</u> RH: None	Existing Lots: None New Subdivisions <u>not for</u> RH: 5,000sf New Subdivisions <u>for</u> RH: None	Existing Lots: None New Subdivisions <u>not for</u> RH: 5,000sf New Subdivisions <u>for</u> RH: 4,667sf None	Existing Lots: None New Subdivisions <u>not for</u> RH: 3,500sf New Subdivisions <u>for</u> RH: 700sf None	Existing Lots: None New Subdivisions <u>not for</u> RH: 5,000sf New Subdivisions <u>for</u> RH: 700sf None
Minimum Lot Width	Existing Lots: None New Subdivisions <u>not for</u> RB, SF, 2F, 3F: 75' New Subdivisions <u>for</u> RH: 37.5' None	Existing Lots: None New Subdivisions <u>not for</u> RH: 50' New Subdivisions <u>for</u> RH: 25' None	Existing Lots: None New Subdivisions <u>not for</u> RH: 50' New Subdivisions <u>for</u> RH: 12' interior units, 18' end unitsNone	Existing Lots: None New Subdivisions <u>not for</u> RH: 35' New Subdivisions <u>for</u> RH: 12' interior units, 18' end unitsNone	Existing Lots: None New Subdivisions <u>not for</u> RH: 50' New Subdivisions <u>for</u> RH: 12' interior units, 18' end unitsNone
Maximum Building Height	40', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories	40', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories	45', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories RH: 45', not to exceed 3 stories	45' Lots of 2,500sf or less: 32', not to exceed 2 stories RH: 45', not to exceed 4 stories	45' Lots of 2,500sf or less: 32', not to exceed 2 stories RH: 45'
Maximum Building Coverage	35%	45%	SF, SF, 3F, MF, Non-Residential: 45% RH: 55%	SF, 2F, 3F, RH: 45% RH, MF, Non-Residential: 55%	SF, 2F, 3F, RH: 45% RH, MF, Non-Residential: 55%
Maximum Impervious Surface Coverage - Front Yard	SF, 2F, 3F, MF, Non-Residential: 33% RH: None	SF, 2F, 3F, MF, Non-Residential: 33% RH: None	SF, 2F, 3F, MF, Non-Residential: 33% RH: 50% or 160sf, whichever is lessNone	SF, 2F, 3F, MF, Non-Residential: 33% RH: 50% or 160sf, whichever is lessNone	SF, 2F, 3F, MF, Non-Residential: 33% RH: 50% or 160sf, whichever is lessNone
Maximum Impervious Surface Coverage - Rear Yard	SF, 2F, 3F, MF, Non-Residential: 50% RH: None	SF, 2F, 3F, MF, Non-Residential: 50% RH: None	SF, 2F, 3F, MF, Non-Residential: 50% RH: None 33%	SF, 2F, 3F, MF, Non-Residential: 50% RH: None 33%	SF, 2F, 3F, MF, Non-Residential: 50% RH: None 33%
Total Maximum Impervious Surface Coverage	50%	65%	65%	SF, 2F, 3F, RH: 65% MF, Non-Residential: 70%	65%
Total Minimum Pervious Surface Coverage	1,000 sf	1,000 sf	SF, 2F, 3F, MF, Non-Residential: 1,000 sf RH: 400 sf per unit	SF, 2F, 3F, MF, Non-Residential: 1,000 sf RH: 400 sf per unit	SF, 2F, 3F, MF, Non-Residential: 1,000 sf RH: 400 sf per unit

Setback Requirements					
Front Setback Zone	SF, 2F, 3F, MF, Non-Residential: Sec. 402.B RH: 5'	SF, 2F, 3F, MF, Non-Residential: Sec. 402.B RH: 5'	SF, 2F, 3F, MF, Non-Residential: Sec. 402. RH: 5'	SF, 2F, 3F, MF, Non-Residential: Sec. 402.B RH: 5'	SF, 2F, 3F, MF, Non-Residential: Sec. 402.B RH: 5'
Minimum Interior Side and Minimum Corner Side Setback	Lot width less than 60': 6' Lot width 60' or more: 10'	Lot width less than 60': 6' Lot width 60' or more: 10'	SF, 2F, 3F, MF, Non-Residential: Lot width less than 60': 6' SF, 2F, 3F, MF, Non-Residential: Lot width 60' or more: 10' RH: 6'	6'	SF, 2F, 3F, MF, Non-Residential: Lot width less than 60': 6' SF, 2F, 3F, MF, Non-Residential: Lot width 60' or more: 10' RH: 6'
Minimum Rear Setback	30'	30'	SF, 2F, 3F, MF, Non-Residential: 30' RH: 20'	SF, 2F, 3F, MF, Non-Residential: 30' RH: 20'	SF, 2F, 3F, MF, Non-Residential: 30' RH: 20'

ARTICLE 5. COMMERCIAL

503 DESIGN STANDARDS

A. C-2 District Design Standards

5. Building Materials

- c. Exterior insulating finish systems (EIFS) is permitted on the ground floor by waiver ~~from the City Plan Commission~~. An application for waiver under this subsection shall be approved provided that the following conditions are satisfied:
 - i. Only EIFS that include an integral air and moisture barrier is permitted.
 - ii. So that it is impact resistant, for areas up to 8 feet above grade, the EIFS shall include a base mesh layer weighing a minimum 20 oz./sq. yd., followed by a second mesh layer weighing a minimum of 4 oz./sq. yd. For all areas exposed to direct impact higher than 8 feet above grade (such as balconies), the use of a single layer of reinforcing mesh with a minimum weight of 12 oz./sq. yd. is required.
 - iii. The material shall be an aesthetically-appropriate facsimile of stone, brick, stucco, metal panel, or other traditional building material.
 - iv. Removal or covering of historic features in order to install EIFS shall be prohibited.

ARTICLE 9. WATERFRONT

903 W-2 DISTRICT DESIGN STANDARDS

E. Building Materials

- c. Exterior insulating finish systems (EIFS) is permitted on the ground floor by waiver ~~from the City Plan Commission~~. An application for waiver under this subsection shall be approved provided that the following conditions are satisfied:
 - i. Only EIFS that include an integral air and moisture barrier is permitted.
 - ii. So that it is impact resistant, for areas up to 8 feet above grade, the EIFS shall include a base mesh layer weighing a minimum 20 oz./sq. yd., followed by a second mesh layer weighing a minimum of 4 oz./sq. yd. For all areas exposed to direct impact higher than 8 feet above grade (such as balconies), the use of a single layer of reinforcing mesh with a minimum weight of 12 oz./sq. yd. is required.
 - iii. The material shall be an aesthetically-appropriate facsimile of stone, brick, stucco, metal panel, or other traditional building material.
 - iv. Removal or covering of historic features in order to install EIFS shall be prohibited

ARTICLE 12. USES

1201 USE MATRIX

Table 12-1: USE MATRIX																			
Key: P = Permitted // S = Special Use																			
Use	R-1A	R-1	R-3	R-4	RP	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	PS	OS	CD	Use Standard
Apartment Dormitory								P							P				
Gas Station						S	<u>SP</u>		S	P	P	P	S						Sec. 1202.P
Transitional Shelter				<u>PS</u>		<u>PS</u>	<u>PS</u>	<u>PS</u>			S		<u>P</u>						Sec. 1202.II

1202 PRINCIPAL USE STANDARDS

K. Dwelling: Multi-Family or Rowhouse

7. Adaptive Reuse for the conversion of any commercial, institutional, or industrial building, including offices, schools, religious facilities, medical buildings, mills, and malls into residential units or mixed-use developments shall be permitted subject to the following standards:
 - a. There are no prohibitions preventing the conversion to residential use by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.
 - b. The conversion shall include the development of at least 50% of the existing gross floor area into residential units.
 - c. Non-residential uses may be provided if they are permitted by right or special use in the zoning district pursuant to Table 12-1.
 - d. The residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing.
 - e. The conversion shall not occur within the W-3, M-1, or M-2 zones in accordance with the Future Land Use Map, which designates those areas as "Business/Industrial" or "Waterfront/Port." As the public health and safety needs of industrial and residential uses often conflict, the Comprehensive Plan prohibits any residential development in these areas within Objective LU5.
 - f. The conversion shall not occur within any building previously used for industrial or manufacturing use(s), which has not been vacant of an industrial use for less than one year prior to the submission of the permit or application for adaptive reuse.
10. Rowhouses are subject to the following conditions and calculations:
 - a. A rowhouse shall be designed so that each unit has a separate street-facing exterior entrance and direct ground level access to the front yard. The design of a street-facing exterior entrance for a rowhouse shall include a hood and a stoop.
 - b. A lot containing a rowhouse dwelling unit shall have frontage along a developed public right-of-way.
 - c. R-1A: One dwelling unit is permitted for every 7,500 sf of lot area present prior to subdivision into individual rowhouse lots. For each rowhouse dwelling unit, there shall be the following amount of lot area:

R-1: One dwelling unit is permitted for every 5,000 sf of lot area present prior to subdivision into individual rowhouse lots.

R-3: One dwelling unit is permitted for every 1,667 sf of lot area present prior to subdivision into individual rowhouse lots. Where at least 20 percent of the housing units are deed restricted as affordable to households earning less than or equal to 80 percent of area median income, one dwelling unit is permitted for every 1,000 sf of lot area present prior to subdivision into individual rowhouse lots

R-4 and RP: One dwelling unit is permitted for every 700 sf of lot area present prior to subdivision into individual rowhouse lots.

R-1A: 7,500 sf
R-1: 5,000 sf
R-3: 1,667 sf
R-4 and RP: 700 sf
 - d. ~~In the R-3 zone, where at least 20 percent of the housing units are deed restricted as affordable to households earning less than or equal to 80 percent of area median income, there shall be at least 1,000 sf of lot area per dwelling unit. Reserved.~~

L. Dwelling: Single-Family, Two-Family, or Three-Family

6. A dwelling unit in a single-family, two-family, three family, ~~or semi-detached rowhouse~~ dwelling may be used as a short-term rental, subject to the following standards.
 - a. Properties used as short-term rentals in the R-1A, R-1, R-3, and R-4 zoning districts must be owner-occupied.
 - b. The owner must supply all of the following within the dwelling unit:
 - i. Visible printed materials with diagrams of all points of egress, written in both English and Spanish.
 - ii. Clearly marked visible fire extinguisher(s).

- c. Dwelling units used as short-term rentals shall require a temporary use permit, the term of which shall be one year. Short-term rental of portions of dwelling units, where the owner is present and living in the dwelling unit during the entire term of the rental, are not subject to this provision.
7. Adaptive Reuse for the conversion of any commercial, institutional or industrial building, including offices, schools, religious facilities, medical buildings, mills, and malls into residential units or mixed-use developments shall be permitted subject to the following standards:
- a. There are no prohibitions preventing the conversion to residential use by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.
 - b. The conversion shall include the development of at least 50% of the existing gross floor area into residential units.
 - c. Non-residential uses may be provided if they are permitted by right or special use in the zoning district pursuant to Table 12-1.
 - d. The residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing.
 - e. The conversion shall not occur within the W-3, M-1, or M-2 zones in accordance with the Future Land Use Map, which designates those areas as "Business/Industrial" or "Waterfront/Port." As the public health and safety needs of industrial and residential uses often conflict, the Comprehensive Plan prohibits any residential development in these areas within Objective LU5.
 - f. The conversion shall not occur within any building previously used for industrial or manufacturing use(s), which has not been vacant of an industrial use for less than one year prior to the submission of the permit or application for adaptive reuse.

P. Gas Station

- 9. Gas stations shall be allowed in the C-2, C-3, W-2, and M-MU zones only when the subject property is unsuitable for residential development.

1204 USE DEFINITIONS

Apartment Dormitory. ~~A structure used for living and sleeping accommodations with not more than four unrelated persons per dwelling unit, who are affiliated with an educational facility, hospital, or other institutional use.~~

Dwelling - Adaptive Reuse. A residential or mixed-use structure converted from a previously commercial, institutional, or industrial building, including offices, schools, religious facilities, medical buildings, mills, and malls.

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

ARTICLE 13. SITE DEVELOPMENT

1301 EXTERIOR LIGHTING

B. Lighting Plan Required

- 1. A lighting plan is required for all non-residential uses and multi-family and rowhouse dwellings. Single-family, ~~semi-detached~~, two-family, and three-family, and rowhouse dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.

1302 ACCESSORY STRUCTURES AND USES

I. Fences and Walls

2. Fences

- a. For all residential uses, no~~No~~ fence within 5 feet of a front lot line shall exceed 36 inches in height. All other fences are limited to six feet in height. (Figure 13-3)

J. Garage

The following standards apply to all residential garages, with the exception of multi-family dwellings. Attached garages are not considered an accessory structure but are subject to the regulations of this section for attached garages.

3. Integral Garage

- a. Integral garages are those whose area occupies part of the primary mass of a residential structure, regardless of the grade at which the garage is entered. It is considered a separate category from an attached garage.

- b. The width of integral garage(s) shall be limited to 50% of the width of the building façade containing the garage door(s) or 22 feet, whichever is greater; provided however that the width of integral garage(s) within a rowhouse shall be limited to 75% of the width of the rowhouse unit. Garage width is measured as the distance between the right and left garage door edges; in the case of garages designed with multiple garage doors, the width is measured as the total distance between the edges of the outmost doors.
- c. If an integral garage faces a front lot line, there shall be a pedestrian entrance door on the façade containing the garage.
- d. The garage door(s) shall not be closer to the street than any part of the façade containing the garage door(s).
- e. Excepting rowhouses, There shall be a driveway, at least 18 feet long, between a street lot line and a garage door, or in a case where the front yard setback permits, a garage door may be between zero and three feet from the front lot line.
- f. If an integral garage is incorporated into a rowhouse, it shall contain no more than a single vehicular stall.
- g. If an integral garage is incorporated into a rowhouse and faces a front lot line, the garage door shall contain a total area of transparency equal to at least 15% of its area.

1303 PERMITTED ENCROACHMENTS

A. 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
Mailbox	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>
Patio 6' into front, interior side, or corner side 8' into rear 4' from all lot lines Maximum height of 1' above grade	Y	Y	Y	Y

B. Encroachments into the Public Right-of-Way

2. Encroachment for Habitation

- a. An encroachment for habitation is any construction that projects from a building over, onto, or under a public right-of-way that is designed for and can accommodate human or other habitation including, but not limited to, balconies, bay windows, ~~arcades, overhangs,~~ basement vaults, subterranean parking garages, and the like, whether supported by the ground or not.
- b. An encroachment for habitation includes structures and similar elements for outdoor dining, temporary outdoor sales, temporary outdoor entertainment, temporary mobile food sales, and live entertainment – ancillary use when such uses are conducted on the public right-of-way.
- c. Where the vertical clearance above grade to projecting windows and balconies is more than eight feet, one inch of encroachment is permitted for each additional one inch of vertical clearance above eight feet, but the maximum encroachment is limited to a maximum of four feet.
- d. No more than 50% of the total area of a facade may encroach over the public right of way.

ARTICLE 14. PARKING AND LOADING

1402 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES

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
Dwelling - Rowhouse	1 per dwelling unit	1 per 5 dwellings (calculated by entire development)	80%
Dwelling - Semi-Detached	1 per dwelling unit		
Educational Facility - Primary	1 per 3 employees	31 per 3 classrooms	
Educational Facility – Secondary	1 per 3 employees	31 per 3 classrooms	
Educational Facility - University or College	<p>1 per 3 employees & staff (calculated according to the largest shift during an average day) + 1 per 8 non-commuting students who are over the driving age + 1 per 2 commuting students (calculated according to the largest number in attendance for any shift during an average day) + 1 per 3 commuters (employees, staff, and students calculated according to the largest shift during an average day, excluding those who are remote) + 1 per 8 non-commuters (employees, staff, and students living within 3 miles of campus)</p> <p>± 1 per 10 seats for all auditoriums, skating rinks, stadiums, or other structures for exhibitions or athletic events</p> <p>Parking spaces provided for other purposes that are available at the time of the exhibition or athletic event may count toward required parking</p>	1 per 5,000,500sf GFA	5025%

1404 DESIGN OF VEHICLE PARKING SPACES

A. Permitted Vehicle Parking Locations

1. Residential Uses

- b. For single-family, two-family, ~~semi-detached~~, three-family, and rowhouse dwellings, required vehicle parking spaces are permitted in private driveways, but shall not encroach onto the public right-of-way.
- d. For single-family, two-family, ~~semi-detached~~, ~~and~~ three-family, and rowhouse dwellings where there is alley access, all vehicle parking areas shall be accessed from the alley and all vehicle parking areas shall be located in the rear yard.

C. Access Requirements for Off-Street Vehicle Parking Areas

- 1. Each off-street vehicle space shall open directly upon an aisle or driveway of adequate width to provide access to a vehicle parking space. All off-street parking facilities shall provide access in a manner that least interferes with traffic movement. For all uses except single-family, two-family, ~~semi-detached~~, ~~and~~ three-family, and rowhouse dwellings, the parking area shall be designed so that the driver of the vehicle proceeds forward into traffic rather than backs out.

H. Surfacing

- 4. When new areas of pavement do not require a building permit, the owner must obtain a zoning certificate for compliance indicating conformance to all provisions of this Ordinance.

1407 DRIVEWAY DESIGN

A. Driveway Design

When new areas of pavement do not require a building permit, the owner must obtain a zoning certificate for compliance indicating conformance to all provisions of this Ordinance.

B. Curb Cuts

3. All other uses are limited to one curb cut per street frontage. Additional curb cuts are permitted on a street frontage as long as there is at least 100 feet of street frontage for each curb cut. In the case of frontage on an alley, additional curb cuts are permitted as long as there is at least 50 feet of alley frontage for each curb cut.

1409 STORAGE OF RECREATIONAL VEHICLES

~~B. No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be parked outdoors on a lot in a residential district for more than 72 hours. Reserved.~~

- C. Recreational vehicles may be stored in a residential district either within a fully enclosed structure or within the rear yard. If stored in the rear yard, the recreational vehicle shall be ~~located at least five feet from any lot line and~~ screened from view from any public right-of-way, excluding alleys, by a solid fence or masonry wall. If the recreational vehicle is screened by an existing structure or landscape so that it is not visible from the public right-of-way, excluding alleys, it is considered to have met these requirements. Temporary storage tents for recreational vehicles are prohibited.

ARTICLE 16. SIGNS

1607 SIGNS REQUIRING PERMIT

K. Wall Signs

2. The maximum size of all wall signs for a building wall is established at two square feet per linear foot of building wall where the wall signs will be mounted. Wall signs for commercial uses in mixed-use structures shall not be mounted on residential portions of the building.
3. On buildings of four stories or greater, a An additional wall sign to identify the building may be placed within the top 20 feet of the structure. The sign may not cover any fenestration or architectural features. The maximum size is established at three square feet per linear foot of building façade, measured at the roofline where the wall sign will be mounted.

ARTICLE 17. ORDINANCE ADMINISTRATORS

1703 ZONING BOARD OF REVIEW

- C. To make final decisions on ~~zoning appeals applications from the City Plan Commission, the Downtown Design Review Committee, the Historic District Commission, from decisions of the Development Plan Review Committee,~~ and appeals of any order, requirement, decision, or determination made by the Director of the Department of Inspection and Standards or other authorized agent in the enforcement or interpretation of this Ordinance.

1714 ZONING BOARD OF REVIEW ORGANIZATION AND PROCEDURES

B. Procedures

2. Required Vote

No member or alternate member may vote on any matter before the Zoning Board of Review unless they have attended all hearings concerning that matter. The concurring vote of three members of the Zoning Board of Review is necessary to reverse or modify any order, requirement, decision, or determination of the Director or other duly authorized administrative officer, ~~or to decide an appeal from the Historic District Commission or other duly authorized body, or.~~ The concurring vote of four members of the Zoning Board of Review is required to decide in favor of the applicant on the matter of a special use permit or a variance or any other matter upon which the Zoning Board of Review is authorized to pass. ~~No petition or appeal may be heard by less than~~ A minimum of four and a maximum of five active members of the Zoning Board of Review, and five active members, which may include the alternate member(s), shall conduct a hearing and vote on each petition or appeal.

ARTICLE 18. APPLICATION AND NOTICE PROCEDURES

1800 APPLICATION

A. Filing of Applications

TABLE 18-1: FILING OF APPLICATIONS	
APPLICATION	OFFICIAL OR HIS/HER DESIGNEE
Zoning Certificate <u>and Zoning Certificate for Compliance</u>	Director of Department of Inspection and Standards

B. Pre-Application Conference

Prior to formal submittal of an application, the applicant may request a pre-application conference with the Department of Planning and Development and/or applicable review body or official. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application. This process is ~~required~~ strongly encouraged for all land development projects and development plan review ~~pursuant to Rhode Island General Laws §45-23~~. This process is ~~also~~ required for all petitions for changes to the zoning ordinance or maps.

F. Consideration of Denied Petitions or Applications

- 3. An application for an administrative modification of five percent or less may not be granted administratively if within the preceding 12 months a substantially similar application for administrative modification for greater than five percent has been denied pursuant to Section 1903.C.4 and must proceed as a variance before the Zoning Board of Review.
- ~~34.~~ An application for the same petition will not be heard by the Historic District Commission for the period of 12 months from the date the original petition was denied. The Historic District Commission has the right to waive this requirement for any petition if a majority of the Historic District Commission present at a meeting agree.

G. Fees

- 2. The fee for a zoning certificate and for a zoning certificate for compliance is \$25.00.

1801 NOTICE

B. City Council Notice

- 9. Where a proposed text amendment to this ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city or town. The notice shall be given at least two weeks prior to the hearing at which the text amendment is to be considered, with the content required by this section. ~~The notice shall include reference to the merger clause of Section 2003.E and the impacts of common ownership of nonconforming lots.~~ Notice shall utilize a United States Postal Service certificate of mailing, and the certificate or an electronic copy thereof shall be retained to demonstrate proof of the mailing.

ARTICLE 19. ZONING APPLICATIONS AND APPROVALS

1902 VARIANCE

B. Procedure

- 3. In granting a variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
 - a. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in Rhode Island General Laws §45-24-30(16).
 - b. That the hardship is not the result of any prior action of the applicant. This standard shall not apply to dimensional variance applications for subdivisions under unified development review.
 - c. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan.

1903 ADMINISTRATIVE MODIFICATION

B. Authority

The Director of the Department of Inspection and Standards is authorized to grant a 15% modification to any dimensional standard of this Ordinance and to the required vehicle or bicycle parking spaces. ~~The administrative modification does not permit moving of lot lines.~~

C. Procedure

1. Within ~~ten~~ 10 days of the receipt of a request for a modification, the Director of the Department of Inspection and Standards will make a decision on the requested modification.
2. The decision on the requested modification shall be based on the following determinations:
 - a. The modification requested is ~~reasonably necessary for the full enjoyment of the permitted use~~ minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted.
 - b. If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired.
 - c. The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations.
 - d. The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.
4. The modification will be granted unless written objection by anyone who is entitled to notice under this section is received within 14 days of the public notice. If written objection is received within 14 days, the request for a modification is denied. In the case of denial, the changes requested will be considered a request for a variance and may only be issued by the Zoning Board of Review following the standard procedures for variances. If no written objections are received within 14 days, the Director of the Department of Inspection and Standards will grant the modification.

E. Maintenance of Records

The Director of the Department of Inspection and Standards shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received. Any decision evidencing the granting of a modification shall also be recorded in the Land Evidence Records of the City.

G. Neighborhood Character-Based Modification ("NCBM")

The zoning enforcement officer is authorized to grant NCBM on any parcel with a public water and sewer connection, and for purposes of residential use, from the literal dimensional requirements of the zoning ordinance in the instance of construction, alteration, creation, or structural modification of a dwelling unit provided that:

1. Such modifications shall only be granted for dimensional relief from frontage, lot width, and lot depth, up to the average dimensions of the comparable existing built environment;
2. The average dimensions of the comparable built environment shall be calculated as follows:
 - a. Comparable existing parcels shall mean all parcels that are:
 - i. Within 200 feet of the subject property; and
 - ii. In the same base zone; and
 - iii. Used for residential purposes.
 - b. The average dimensions shall be confirmed by a professional land surveyor
 - c. The average dimensions are to be determined without any additional review of zoning or building code analysis of the legality of the existing dimensions of the comparable existing parcels.
3. Within 10 days of the receipt of a request for NCBM, the zoning enforcement officer shall make a decision as to the suitability of the requested modification based on the following determinations:
 - a. The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and
 - b. The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands; and
 - c. The NCBM does not violate and provisions regarding separation included in the state building or fire code.

Upon an affirmative determination, in the case of an NCBM modification of equal to or less than 30% of the requirements of the zoning district, the zoning enforcement officer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of an NCBM modification of greater than 30%, the zoning enforcement officer shall notify, by first class mail, all property owners abutting

the property which is the subject of the NCBM modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city or town that the modification will be granted unless written objection is received within 14 days of the public notice. If written objection is received from any party entitled to notice under this section within 14 days, the request for modification shall be scheduled for the next available hearing before the Zoning Board of Review on application for a dimensional variance following the standard procedures for such variances, including notice requirements provided for under Section 1801. If no written objections are received within 14 days, the zoning enforcement officer will grant the modification. The zoning enforcement officer may apply any special conditions to the permit as may, in the opinion of the officer, be required to conform to the intent and purposes of the zoning ordinance. The zoning enforcement officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received. Costs of any notice required under this subsection shall be borne by the applicant requesting

1904 LAND DEVELOPMENT PROJECT

E. Adjustments of Dimensional Regulations

- a. Where open space is permanently set aside for public ~~or common~~ use.

1905 ADMINISTRATIVE DEVELOPMENT PLAN REVIEW

C. Applicability

- 1. The administrative officer(s) review the following types of development under administrative development plan review:

- j. All review in the ES Overlay District.

1906 CITY PLAN COMMISSION FORMAL DEVELOPMENT PLAN REVIEW

C. Applicability

- 1. The City Plan Commission reviews the following types of development under formal development plan review:

- b. Waivers from ground-floor design regulations contained in Section 503.A.8 of this Ordinance. ~~Waivers from design regulations of the C-2, C-3, M-MU, and W-2 Districts, and the TOD Overlay District. The CPC may review applications that require administrative development plan review when a design waiver is required.~~
- c. Any development plan review applications requiring relief from the literal provisions of the Zoning Ordinance in the form of a variance or special use permit.

1907 D-1 DISTRICT FORMAL AND ADMINISTRATIVE DEVELOPMENT PLAN REVIEW

C. Applicability

- 2. The administrative officer, through administrative development plan review, is authorized to regulate public and private land in the D-1 District including the following:

- ~~f. Temporary uses.~~

- fg.** The administrative officer may waive design regulations as authorized by Article 6 in conjunction with projects under its review.

1911 CERTIFICATE OF APPROPRIATENESS

E. Procedure

- 5. A certificate of appropriateness may be issued without a public hearing for ordinary maintenance or repair of any structure within a historic district provided that such maintenance or repair does not result in any change of design, type of material, or appearance of the structure or its appurtenances. The Historic District Commission may delegate to the staff of the Department of Planning and Development the authority to approve and issue certificates of appropriateness in accordance with the Historic District Commission's Standards and Guidelines and Rules and Regulations.~~in such circumstances.~~

1913 ZONING INTERPRETATION

B. Authority

Upon written request, tThe Director of the Department of Inspection and Standards is authorized to issue a zoning certificates or provide information regarding the Ordinance to the requesting party. ~~as to determination and written guidance and clarification of the Ordinance, upon receipt of a written application or request for same. A zoning certificate shall be issued within 20 days of a complete written request.~~

~~C. Procedure~~

- ~~4. The Director of the Department of Inspection and Standards reviews a written request for a zoning certificate or for guidance and clarification and shall render the interpretation within 15 days of receipt of a complete application. The Director of the Department of Inspection and Standards may request additional information prior to rendering an interpretation.~~

1915 BUILDING PERMIT

An application for a building permit for an addition, erection, or enlargement, under the provisions of the Rhode Island Building Code, or for installation or modification to any sign requiring a permit shall be accompanied by a site plan, drawn to scale, showing the accurate dimensions of: the lot; the building site, the location and size of existing buildings on the lot, all proposed construction, all front, side and rear yard dimensions, proposed parking areas, and such other information as may be necessary to enforce the provisions of this Ordinance. The zoning enforcement officer may require a survey if it is reasonably necessary to determine zoning compliance. A site plan is not required with an application for a permit involving the alteration of an existing building(s), where the use and exterior surfaces of the buildings are not changed or enlarged in any manner.

1916 ZONING CERTIFICATE FOR COMPLIANCE

A zoning certificate for compliance is required for any action undertaken for which conformance to this Ordinance is required, but that does not require a building permit under the provisions of the Rhode Island Building Code. For example, when new areas of pavement do not require a building permit, a zoning certificate for compliance indicating conformance to all provisions of this Ordinance is required.

1918 APPEALS

B. Initiation

1. An appeal to the Zoning Board of Review from a decision of the ~~the~~ Historic District Commission or from any error in any order, requirement, decision, or determination other than determinations pursuant to Section 1913.B made by the Director of the Department of Inspection and Standards or other authorized agent in the enforcement of this Ordinance, may be taken by an aggrieved party.
2. If no written response to a written request for a zoning certificate is provided by the Director of Inspection and Standards within the time period in Section 1913.B, the requesting party may take an appeal to the Zoning Board of Review for a determination.
- ~~23.~~ Appeals of decisions related to land development projects and development plan review shall follow the procedures in the development review regulations adopted by the City Plan Commission.

ARTICLE 20. NONCONFORMITIES

2002 NONCONFORMING STRUCTURE

F. Extension of Walls for Nonconforming Single-Family, Two-Family, ~~Semi-Detached, and Three-Family, and Rowhouse~~ Dwellings

Where a single-family, two-family, ~~semi-detached, or three-family, or rowhouse~~ dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate this Ordinance. (Figure 20-1)

2003 NONCONFORMING LOT

D. Subdivision into Nonconforming Lots

Where it is documented in an official tax assessor's plat book published by the City of Providence that one or more nonconforming lots previously existed, a subdivision may be performed on the subject property to create the same number of lots that preceded the merger of such lots as long as each of the resultant lots contains at least 3,000~~2,500~~ sf and 30~~25~~ feet of lot width. Subdivision into nonconforming lots pursuant to this section shall not require zoning relief based solely on the reduced lot area of the newly created lot(s). The resulting subdivided lots shall be treated as substandard lots of record and are eligible for administrative modification. The subdivision is subject to all other regulations of this ordinance.

E. Oversized Lot Subdivision

Minor subdivisions shall be permitted for an existing lot with the following characteristics:

1. The existing lot is located within a residential district.
2. Subdivision of the lot results in the creation of a vacant lot or lots for residential use.
3. The resulting vacant lots are equal to or greater in lot area than the lot area of at least 50% of the developed residential lots within 200 feet of the lot proposed for subdivision, as confirmed by a professional land surveyor based on a compilation plan, as such term is defined by the rules and regulations for professional land surveying.

4. Each resulting lot contains at least 3,000 sf.

Oversized lot subdivisions shall not require zoning relief based solely on the reduced lot area of the newly created lot(s). The resulting subdivided lots shall be treated as a substandard lots of record and are eligible for administrative modification. Oversized lot subdivisions are subject to all other regulations of this ordinance.

SECTION 2: This ordinance shall take effect upon passage.