

# 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, 3, 4, 5, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, and to Amend the Base and Overlay Zoning Maps**

*Approved*

*Be it ordained by the City of Providence:*

Whereas, the City of Providence adopted a new Comprehensive Plan on November 22, 2024, and

Whereas, the Comprehensive Plan calls for certain changes to the Zoning Ordinance and Zoning Maps, and

Whereas, these proposed zoning changes affect a prevalence of property owners, apply to a wide range of properties in a variety of different ways, and/or do not single out specific properties for revision but, rather, include a mosaic of changes to conform the Zoning Ordinance to the newly adopted Comprehensive Plan and are therefore collectively a general change to the Zoning Ordinance as defined by the Rhode Island Zoning Enabling Act,

Now therefore, be it ordained,

**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

**Household.** One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term household unit is synonymous with the term dwelling unit for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of either of the following:

1. A family, which may also include servants and employees living with the family; or
2. A person or group of ~~not more than three~~ unrelated persons living together not to exceed three in a dwelling unit with three or fewer bedrooms and not to exceed five in a dwelling unit with more than three bedrooms.

#### 202 RULES OF MEASUREMENT

##### F. Impervious Surface and Pervious Surface Coverage

2. Maximum impervious surface of a specific yard is calculated as the percentage of all impervious surface area of the total yard area. Yard area is defined in item O below. In the case of front yards only, the roofed area of a porch shall not be counted towards the impervious surface in that area of a lot.

##### 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. On a lot that does not abut a developed right-of-way, the front lot line shall be considered that lot line which is oriented towards the site access.

### ARTICLE 3. ZONING DISTRICTS

#### 300 DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the City of Providence is divided into the following zoning districts:

**A. Residential Districts**

- R-1A Residential District
- R-1 Residential District
- ~~R-2 Residential District~~
- R-3 Residential District
- R-4 Residential District
- R-P Residential Professional District

**B. Commercial Districts**

- ~~C-1 Neighborhood Commercial District~~
- C-2 General Commercial District
- C-3 Heavy Commercial District

**H. Special Purpose Districts**

- ~~CC Capital Center Special Development District~~
- DD Downcity Overlay District
- ES East Side I-195 Overlay District
- HD Historic District Overlay District
- Special Flood Hazard Areas
- TOD Transit-Oriented Development Overlay District
- I-3E Educational Institutional Overlay District
- I-3H Healthcare Institutional Overlay District

**ARTICLE 4. RESIDENTIAL DISTRICTS**

**400 PURPOSE STATEMENTS**

~~C. R-2 Residential District~~

~~The R-2 Residential District is intended for areas of detached single-family and two-family, including semi-detached, residential development of moderate density. Limited non-residential uses, which are compatible with surrounding residential neighborhoods, may be allowed.~~

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-2	R-3	R-4	RP
<b>Bulk Standards</b>						
<b>Minimum Lot Area</b>	Existing Lots: None New Subdivisions: 7,500sf	Existing Lots: None New Subdivisions: 5,000sf	<del>Existing Lots: None New Subdivisions: 5,000sf</del>	Existing Lots: None New Subdivisions: 5,000sf <u>New Subdivisions, RH: 1.667sf</u>	Existing Lots: None New Subdivisions: 3,500sf <u>New Subdivisions, RH: 1.667sf</u>	Existing Lots: None New Subdivisions: 5,000sf <u>New Subdivisions, RH: 1.667sf</u>
<b>Minimum Lot Width</b>	Existing Lots: None New Subdivisions 75' <u>New Subdivision, RH: 37.5'</u>	Existing Lots: None New Subdivisions: 50' <u>New Subdivision, RH: 25'</u>	<del>Existing Lots: None New Subdivisions: 50'</del>	Existing Lots: None New Subdivisions: 50' <u>New Subdivision, RH: 25'</u>	Existing Lots: None New Subdivisions: 35' <u>New Subdivision, RH: 25'</u>	Existing Lots: None New Subdivisions: 50' <u>New Subdivision, RH: 25'</u>
<b>Maximum Building Height</b>	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	<del>45', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories</del>	45', not to exceed 3 stories Lots of 2,500sf or less: 32', not to exceed 2 stories <u>RH: 45', not to exceed 3 stories</u>	45' Lots of 2,500sf or less: 32', not to exceed 2 stories <u>RH: 45'</u>	45' Lots of 2,500sf or less: 32', not to exceed 2 stories <u>RH: 45'</u>
<b>Maximum Building Coverage</b>	35%	45%	<del>45%</del>	45%	SF, <del>SD</del> , 2F, 3F, RH: 45% MF, Non-Residential: 55%	SF, <del>SD</del> , 2F, 3F, RH: 45% MF, Non-Residential: 55%
<b>Maximum Impervious Surface Coverage - Front Yard</b>	33%	33%	<del>33%</del>	<u>SF, 2F, 3F, MF, Non-Residential: 33%</u> <u>RH: 50% or 160sf, whichever is less</u>	<u>SF, 2F, 3F, MF, Non-Residential: 33%</u> <u>RH: 50% or 160sf, whichever is less</u>	<u>SF, 2F, 3F, MF, Non-Residential: 33%</u> <u>RH: 50% or 160sf, whichever is less</u>
<b>Maximum Impervious Surface Coverage - Rear Yard</b>	50%	50%	<del>50%</del>	<u>SF, 2F, 3F, MF, Non-Residential: 50%</u> <u>RH: 33%</u>	<u>SF, 2F, 3F, MF, Non-Residential: 50%</u> <u>RH: 33%</u>	<u>SF, 2F, 3F, MF, Non-Residential: 50%</u> <u>RH: 33%</u>
<b>Total Maximum Impervious</b>	50%	65%	<del>65%</del>	65%	SF, <del>SD</del> , 2F, 3F, RH: 65%	65%

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-2	R-3	R-4	RP
Surface Coverage					MF, Non-Residential: 70%	
Total Minimum Pervious Surface Coverage	1,000 sf	1,000 sf	<del>1,000 sf</del>	1,000 sf RH: 400 sf per unit	1,000 sf RH: 400 sf per unit	1,000 sf RH: 400 sf per unit
<b>Setback Requirements</b>						
Front Setback Zone	Sec. 402.B	Sec. 402.B	<del>Sec. 402.B</del>	Sec. 402.B	Sec. 402.B	Sec. 402.B
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'	<del>Lot width less than 60': 6'</del> <del>Lot width 60' or more: 10'</del>	Lot width less than 60': 6' Lot width 60' or more: 10'	6'	Lot width less than 60': 6' Lot width 60' or more: 10'
Minimum Rear Setback	30'	30'	<del>30'</del>	30' RH: 20'	30' RH: 20'	30' RH: 20'

## ARTICLE 5. COMMERCIAL DISTRICTS

### 500 PURPOSE STATEMENTS

#### A. ~~C-1 Neighborhood Commercial District~~ Reserved.

~~The C-1 Neighborhood Commercial District is intended for areas of small to medium-scale commercial use, typically located along urban corridors.~~

TABLE 5-1: COMMERCIAL DISTRICT DIMENSIONAL STANDARDS			
	C-1	C-2	C-3
<b>Bulk Standards</b>			
Minimum Lot Area	<del>None</del>	None	None
Minimum Building Height	<del>16'</del>	16'	None
Minimum First Story Height	<del>9' Residential use 11' Non-Residential use</del>	9' Residential use 11' Non-Residential use	9' Residential use 11' Non-Residential use
Maximum Building Height	<del>45', not to exceed 4 stories</del>	50', not to exceed 4 stories	50', not to exceed 4 stories
Maximum Building Coverage	<del>None</del>	None	None
Total Maximum Impervious Surface Coverage	<del>None</del>	None	None
<b>Minimum Setback Requirements</b>			
Front Setback	<del>Build to zone of 0' to 5' - see 503.A.6 for built-to percentage requirement</del>	Build-to zone of 0' to 5' - see 503.A.6 for built-to percentage requirement	None; unless multi-tenant retail center, then 503.B apply
Interior Side Setback	<del>None; unless abutting residential district, then 5'</del>	None; unless abutting residential district, then 10'	None; unless abutting residential district, then 10'
Corner Side Setback	<del>Build to zone of 0' to 5' - see 503.A.6 for built-to percentage requirement</del>	Build-to zone of 0' to 5' - see 503.A.6 for built-to percentage requirement	None
Rear Setback	<del>None; unless abutting residential district, then 10'</del>	None; unless abutting residential district, then <del>20'</del> 10'	None; unless abutting residential district, then 20'

### 503 DESIGN STANDARDS

#### A. ~~C-1 and C-2~~ District Design Standards

The following design standards apply to new and existing non-residential structures, including mixed-use development. 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.

#### 7. Multi-Tenant Retail Centers

Multi-tenant retail centers in ~~C-1 and C-2~~ Districts shall comply with the following additional design standards.

- The site shall be designed so that there is safe pedestrian access to the center from the public right-of-way and safe pedestrian circulation within the development.
- A cohesive character is required through the use of coordinated hardscape treatment (special paving materials, lighting, street furniture, etc.) and landscaping.

#### 8. Ground Floor Uses

For a building that fronts on a Main Street in a ~~C-1 or C-2~~ District, residential and parking uses are

prohibited on the ground floor of the building within 20 feet of the Main Street. Lobbies and common spaces associated with residences are permitted within this area. This requirement shall be considered a design standard, and not a use regulation. The following streets are Main Streets: Atwells Ave, Broadway, Westminster St., Washington St., Cranston St., Elmwood Ave., Broad St., North Main St., South Main St., Wickenden St., Thayer St., Hope St., Wayland Ave., Branch Ave., Charles St., Brook St. between Cushing St. and Waterman St., Angel St. between Thayer St. and Brook St., Waterman St. between Thayer St. and Brook St., and Chalkstone Ave.

**ARTICLE 11. SPECIAL PURPOSE DISTRICTS**

- 1100 **PURPOSE STATEMENTS**
- 1101 ~~CC CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT~~ Reserved
- 1102 **DD DOWNCITY OVERLAY DISTRICT**
- 1103 **ES EAST SIDE I-195 OVERLAY DISTRICT**
- 1104 **HD HISTORIC DISTRICT OVERLAY DISTRICT**
- 1105 **TOD TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT**
- 1106 **I-3E EDUCATIONAL INSTITUTIONAL OVERLAY DISTRICT**
- 1107 **I-3H HEALTH CARE INSTITUTIONAL OVERLAY DISTRICT**

**1100 PURPOSE STATEMENTS**

**A. ~~CC Capital Center Special Development District~~ Reserved**

~~The CC Capital Center Special Development District is established to govern in a coordinated manner the development of the Capital Center District in Downtown Providence, including implementation of special land use controls, proper urban planning, developmental tools, and implementation and administration of the Plan of Development.~~

**1101 ~~CC CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT~~ Reserved**

**~~A. Application~~**

~~The Capital Center Special Development District created in accordance with Section 2-361 through 365 of the Providence Code of Ordinances and state law is established to govern in a coordinated manner the development of the Capital Center District, including implementation of special land use controls, proper urban planning, developmental tools and implementation and administration of the Plan of Development which sets forth design and development criteria, regulations and enforcement procedures. Said Plan of Development is subject to those criteria, regulations and enforcement procedures as well as the provisions of this Ordinance.~~

**~~B. Development Approval~~**

~~Any property located in the D-1 District that is also located in the Capital Center Special Development District established in accordance with 2-361 through 365 of the Providence Code of Ordinances, shall comply with the regulations pertaining to uses, height, signs, landscaping, and parking. Properties in the Capital Center Special Development District shall be governed by the rules and regulations of the Capital Center Commission which it establishes from time to time pursuant to state law as well as the provisions of this Section. All development in the Capital Center Special Development District is subject to review by the Capital Center Commission following the process outlined in Article 19.~~

**ARTICLE 12. USES**

Table 12-1: USE MATRIX																						
Key: P = Permitted // S = Special Use																						
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	
Adult Use														P	P							Sec. 1202.A
Amusement/Entertainment/Sports Facility - Indoor							P	P	P	P			P		P		P	P	P			
Amusement/Entertainment/Sports Facility - Outdoor								P	P	P			P		P		P	P	P			
Animal Care Facility							P	P	P	S	P		P		P							Sec. 1202.B
Apartment Dormitory										P							P					
Art Gallery						P	P	P	P	P					P		P					
Arts Studio						P	P	P	P	P					P		P					
Automated Teller Machine - Standalone							P	P	P	P	P	P	P	P	P	P	P					Sec. 1202.C
Bar							S	P	P	P	P		P		P		P					Sec. 1202.D
Bed and Breakfast				S	S	P	P	P	P	P					S							Sec. 1202.E
Body Modification Establishment							P	P	P	P					P							
Broadcasting Facility TV/Radio - With Antennae									P					P		P		P				
Broadcasting Facility TV/Radio - Without Antennae							P	P	P	P				P		P		P				
Cannabis Retailer								S	P	P				P	P							Sec. 1202.JJ
Car Wash									S					S								Sec. 1202.F
Cemetery																				P		
Community Center	P	P	P	P	P	P	P	P	P	P					P	P	P	P				

Table 12-1: USE MATRIX																					
Key: P = Permitted // S = Special Use																					
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
Community Residence – Type I	P	P	P	P	P	P	P	P	P	P	P				P	P	P				Sec. 1200.E & 1202.G
Community Residence – Type II	S	S	S	S	P	P	P	P	P	P					P	P	P				Sec. 1202.G
Conservation Area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Contractor Storage Yard								S				P	P	P							Sec. 1202.H
Country Club																		P	P		
Cultural Facility	P	P	P	P	P	P	P	P	P	P					P	P	P	P	P		
Day Care - Day Care Center, up to 8 people receiving day care	P	P	P	P	P	P	P	P	P	P			P		P						Sec. 1202.I
Day Care - Day Care Center, 9 to 12 people receiving day care	S	S	S	S	S	S	P	P	P	P			S		P	P	P				Sec. 1202.I
Day Care - Day Care Center, more than 12 people receiving day care						S	P	P	P	P			P		P	P	P				Sec. 1202.I
Day Care - Family Day Care Home	P	P	P	P	P	P	P	P	P	P					P	P	P				Sec. 1200.E & 1202.I
Drive-Through Facility							S	P					S	S	S						Sec. 1202.J
<del>Dwelling – Accessory Dwelling Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>									<del>P</del>	<del>P</del>	<del>P</del>				<del>Sec. 1200.E</del>
Dwelling – Adaptive Reuse	P	P	P	P	P	P	P	P	P	P					P	P	P				Sec. 1202.K & 1202.L
Dwelling - Multi-Family	<u>S</u>	<u>S</u>		<u>S</u>	P	P	P	P	P	P					P	P	P				Sec. 1202.K
Dwelling – Rowhouse	<u>P</u>	<u>P</u>		P	P	P	P	P	P	P					P	P	P				Sec. 1202.K
<del>Dwelling – Semi-Detached</del>			<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>										<del>P</del>	<del>P</del>				<del>Sec. 1202.L</del>
Dwelling - Single-Family	P	P	P	P	P	P				P						P	P				Sec. 1202.L
Dwelling - Three Family	<u>S</u>	<u>S</u>		P	P	P	P	P	P	P					P		P				Sec. 1202.L
Dwelling - Two-Family	<u>S</u>	<u>S</u>	P	P	P	P	P	P	P	P					P		P				Sec. 1202.L
Educational Facility - Primary or Secondary	P	P	P	P	P	P	P	P	P	P					P	P	P				Sec. 1202.M
Educational Facility - University or College							<del>S</del>	S	S	S					S		P				Sec. 1202.N
Educational Facility - Vocational							<del>P</del>	P	P	P	P	P	P	P	P						
Electric Vehicle Charging Station (Principal Use)							S	P		S	P	P	P	S		S					Sec. 1202.O
Financial Institution/Bank							<del>P</del>	P	P	P	P		P		P						
Fraternity/Sorority																	P				
Freight Terminal												P	P	P							
Funeral Home							S	S													Sec. 1202.GG
Gas Station							S	P		S	P	P	P	S							Sec. 1202.P
Golf Course/Driving Range																		P	P		
Government Office							<del>P</del>	P	P	P	P	P	P	P	P			P	P		
Greenhouse/Nursery - Retail								P	P				P		P						
Group Quarters							<del>P</del>	P	P	P	P				P						
Healthcare Institution							<del>S</del>	S	P	S			P		P	P					Sec. 1202.N
Heavy Retail, Rental and Service								P					P	P	P						
Helipad												S	S	S		S	S	S	S		Sec. 1202.HH
Heliport												S	S	S		S					Sec. 1202.HH
Hotel/Motel							<del>P</del>	P	P	P	P				P	P	P				
Hybrid Cannabis Retailer/Cannabis Cultivator								S					P								Sec. 1202.EE
Industrial - Artisan								P	P	P	P	P	P	P	P						
Industrial - General												P	P	P	P						
Industrial - Light								P				P	P	P	P						
Industrial Design							<del>P</del>	P	P	P	P	P	P	P	P						
Live Entertainment - Ancillary Use								S	S	S			P		P		P				Sec. 1202.Q
Live Performance Venue								S	S				S		S						Sec. 1202.Q
Lodge/Meeting Hall	S	S	<del>S</del>	S	S	P	<del>P</del>	P	P	P	P		P		P						Sec. 1202.R
Marina - Commercial												P	P	P	P				P	P	
Marina - Recreational												P		P		P			P	P	
Materials Processing												P	P	P							Sec. 1304 & 1202.S
Medical/Dental Office						P	<del>P</del>	P	P	P	P		P		P	P	P				
Micro-Brewery/Distillery/Winery								P	P	P	P		P		P						
Movie Studio								P	P				P		P						
Neighborhood Commercial Establishment			<del>S</del>	S	S	P															Sec. 1202.T
Nightclub								S	S				S		S						Sec. 1202.Q
Office						P	<del>P</del>	P	P	P	P	P	P		P	P	P	P			
Outdoor Dining				S	S	S	<del>P</del>	P	P	P	P		P		P	P	P				Sec. 1202.U
Outdoor Market							<del>P</del>	P	P	P	P				P						

Table 12-1: USE MATRIX																					
Key: P = Permitted // S = Special Use																					
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
Park/Playground	P	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P		
Parking Lot (Principal Use)					S	S	S	S	S		S	S	S	S	S	P	P	S			Sec. 1202.V
Parking Structure (Principal Use)							S	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 1202.V
Passenger Terminal							S	P	P	P	P	P	P	P	P						
Personal Service Establishment						P	P	P	P	P	P	P	P		P	P	P				
Place of Worship	P	P	P	P	P	P	P	P	P	P					P	P	P	P			
Plant Agriculture	P	P	P	P	P	P	P	P	P	P					P	P	P	P	P		Sec. 1200.E & 1202.W
Power Plant										S		P		P		S	S				Sec. 1202.FF
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Public Works Facility								P	P			P	P	P	P			P			
Reception Facility								P	P	P	P				P						
Rehabilitation Center							S	S	P	S			P			P	S				Sec. 1202.X
Research and Development							P	P	P	P	P	P	P	P	P	P	P				
Residential Care Facility				S			P	P	P	P					S	P					Sec. 1202.X
Restaurant - 3,500sf or less GFA							P	P	P	P	P	P	P	P	P	P	P				
Restaurant - more than 3,500sf GFA							P	P	P	P			P		P	P	P				
Retail Goods Establishment - 3,500sf or less GFA							P	P	P	P	P	P	P	P	P	P	P				
Retail Goods Establishment - More than 3,500sf GFA							P	P	P	P	P	P			P	P	P				
Retail Sales of Alcohol								P	P	P	P			P		P					
Ship and Boat Building/Repair											P	P	P	P	P						
Social Equity/Workers' Cooperative Licensed Cannabis Retailer								P	P	P				P	P						Sec. 1202.KK
Solar Energy System (Principal Use)											P	P	P	P	P						Sec. 1202.Y
Specialty Food Service							P	P	P	P			P	P	P						
Storage Yard - Outdoor													P	P	P						Sec. 1202.H
Tank Farm													P		P						Sec. 1202.Z
Transitional Shelter					S			S	S	S				S							Sec. 1202.II
Utility	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	S	S		Sec. 1202.FF
Vehicle Dealership/Repair/Service								S	P					P	P	P					Sec. 1202.AA
Vehicle Operation Facility									P					P	P						Sec. 1202.BB
Vehicle Dealership/Rental							S	P	S	P			P	P	P						Sec. 1202.AA
Warehouse									P		P	P	P	P	P						
Waste Facility													P		P						
Wholesale Establishment - Fully Enclosed									P		P	P	P	P	P						
Wind Energy System (Principal Use)											S	P	P	P			S				Sec. 1202.CC
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S	S		Sec. 1202.DD
<b>TEMPORARY USE</b>																					
Farmers Market	P	P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P		Sec. 1203.A
Temporary Contractor's Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				Sec. 1203.B
Temporary Emergency Housing	P	P	P	P	P	P	P	P	P	P			P		P	P	P	P	P		
Temporary Mobile and Manufactured Homes	P	P	P	P	P	P	P	P	P	P			P		P	P	P	P	P		Sec. 1200.E
Temporary Mobile Food Sales						P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 1203.C
Temporary Outdoor Entertainment	P	P	P	P	P	P	P	P	P	P			P		P	P	P	P	P		Sec. 1203.D
Temporary Outdoor Sales							P	P	P	P			P		P	P	P	P	P		Sec. 1203.E
Temporary Outdoor Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				Sec. 1203.F

**1202 PRINCIPAL USE STANDARDS**

**D. ~~Bar~~Reserved**

~~1. When a bar is a special use, the following elements of operation shall be considered:~~

- ~~a. Days and hours of operation.~~
- ~~b. The size of the establishment.~~
- ~~c. Maximum occupancy loads.~~
- ~~d. Exterior lighting design.~~

~~2. If outdoor seating is part of the establishment, a site plan shall be submitted indicating the total floor area of outdoor seating, and the general location of seats, tables, and other furniture proposed for outdoor seating.~~

**J. Drive-Through Facility**

2. All drive-through lanes shall be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots shall not route exiting traffic into adjacent residential neighborhoods. All applications for special use permit for a drive-through facility shall provide a study by a traffic engineer indicating the impacts of traffic generation predicted from the proposed project. To approve an application, the Zoning Board of Review shall find that there is no significant adverse impact on vehicular, bicycle, and pedestrian traffic conditions due to the drive-through facility.

**K. Dwelling: Multi-Family or Rowhouse**

6. A dwelling unit in a multi-family dwelling or 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-2, and R-3~~, and R-4 zoning districts must be owner-occupied.
8. At least 700 sf of lot area per dwelling unit are required for multifamily dwellings in the RP and R-4 districts.
9. Multifamily dwellings in the R-1A, R-1, and R-3 districts shall be permitted by special use permit under the following conditions and calculations:
  - a. The lot shall meet or exceed the minimum lot area for new subdivisions.
  - b. R-1A: For lots of 15,000 sf or more, one dwelling unit is permitted for every 7,500 sf of lot area, with one further dwelling unit permitted if the principal structure is preserved in its entirety. Principal structures must exist as of January 1, 2025.  
R-1: For lots of 10,000 sf or more, one dwelling unit is permitted for every 5,000 sf of lot area, with one further dwelling unit permitted if the principal structure is preserved in its entirety. Principal structures must exist as of January 1, 2025.  
R-3: For lots of 5,000 sf or more, one dwelling unit is permitted for every 1,667 sf of lot area.
  - c. In the R-3 zone, where at least 20 percent of the housing units are deed restricted as affordable to households earning less than 80 percent of area median income, there shall be at least 1,000 sf of lot area per dwelling unit.
  - d. Multifamily dwellings in the R-1A, R-1, and R-3 zones shall not exceed three stories.
  - e. On lots of 20,000 sf or more, in order to preserve natural or built features of the site, the Zoning Board of Review may permit multiple principal structures on a lot and may adjust required setbacks. The resulting collection of structures and units shall be considered a multifamily dwelling.
  - f. Short-term rentals shall be prohibited as a condition of the special use permit.
  - g. In the R-1A and R-1 districts, the property shall not be occupied by more than three college students as a condition of the special use permit.
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.
  - b. A lot containing a rowhouse dwelling unit shall have frontage along a developed public right-of-way.
  - c. For each rowhouse dwelling unit, there shall be the following amount of lot area:  
R-1A: 7,500 sf  
R-1: 5,000 sf  
R-3, R-4 and RP: 1,667 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 80 percent of area median income, there shall be at least 1,000 sf of lot area per dwelling unit.
  - e. Rowhouse dwellings in the R-1A, R-1, and R-3 zones shall not exceed three stories. Rowhouse dwellings in the R-4 zone shall not exceed four stories.
  - f. Subdivision into lots for individual rowhouse dwelling units shall not be completed until the rowhouse dwellings are constructed.

**L. Dwelling: Single-Family, Two-Family, or Three-Family, ~~or Semi-Detached~~**

6. A dwelling unit in a single-family, two-family, three family, or semi-detached 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-2, and R-3~~, and R-4 zoning districts must be owner-occupied.

8. Two- and three-family dwellings in the R-1A and R-1 districts shall be permitted by special use permit under the following conditions and calculations:

- a. The lot shall meet or exceed the minimum lot area for new subdivisions.

b. R-1A: For lots of 15,000 sf or more, one dwelling unit is permitted for every 7,500 sf of lot area, with one further dwelling unit permitted if the principal structure is preserved in its entirety. Principal structures must exist as of January 1, 2024.

R-1: For lots of 10,000 sf or more, one dwelling unit is permitted for every 5,000 sf of lot area, with one further dwelling unit permitted if the principal structure is preserved in its entirety. Principal structures must exist as of January 1, 2024.

- c. In the R-1A and R-1 districts, the property shall not be occupied by more than three college students as a condition of the special use permit.

**T. Neighborhood Commercial Establishment**

- 6. Signs are limited to those allowed in the ~~C-1~~ C-2 District.

**BB. Vehicle Operation Facility**

~~2.—Outdoor storage is allowed by special use only.~~

**CC. Wind Energy System (Principal Use)**

- 2. All wind turbines shall be newly manufactured as of the date of installation. ~~Experimental/prototype wind turbines may be approved as a special use.~~

**DD. Wireless Telecommunications**

**6. Specific Standards for Wireless Telecommunications Antennas**

Wireless telecommunications antennas are a special use in all districts, unless they are stealth design in which case they are considered a permitted use. Stealth design for wireless antennas is encouraged. All applications for wireless telecommunications antennas shall include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design shall comply with the following regulations:

- a. To qualify as a stealth design, wireless telecommunications antennas shall be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b. Wireless telecommunication antennas shall be mounted at least 40 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design, in addition to meeting the other requirements of this section. ~~Wireless telecommunication antennas mounted lower than 40 feet are considered a special use.~~
- c. Antennas shall be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls, and steeples, and shall be designed to blend in with the structure. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design.
- d. No antenna may increase the overall height of any structure on which it is mounted by more than five feet. ~~If an antenna exceeds the overall height of any building or structure, it is considered a special use.~~

**1204 USE DEFINITIONS**

**Dwelling - Rowhouse.** A structure consisting of ~~three-two~~ or more dwelling units, configured in a manner such that the dwelling units are ~~stacked-aligned~~ horizontally and separated by a party wall, and where the dwelling units may be separated by lot lines at the party wall. A rowhouse is typically designed so that each unit has a separate street-facing exterior entrance and direct ground level access to the ~~outdoors~~ front yard. A rowhouse dwelling does not include a multi-family dwelling.

~~**Dwelling - Semi-Detached.** A structure used for residential occupancy that that contains two dwelling units attached by a party wall at the lot line but located on separate lots.~~

**Vehicle Dealership/Repair/Service.** An establishment that that provides services 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.

**Vehicle Dealership/Rental.** An establishment that sells or leases new or used automobiles and recreational vehicles,



or rents automobiles and vans, including incidental parking and servicing of ~~rental~~ vehicles. A ~~motor~~ vehicle dealership/rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles ~~sold or leased~~ owned by the dealership establishment. Vehicle dealership/rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

## ARTICLE 13. SITE DEVELOPMENT

### 1300 GENERAL REQUIREMENTS

#### A. Number of Structures on a Lot

In the R-1A, R-1, ~~R-2~~, R-3, and R-P Districts there shall be no more than one principal building per lot. This does not include permitted accessory structures. In all other districts, more than one principal building is permitted on a lot, provided that each complies with all bulk and yard requirements of a district as though it were a principal building on an individual lot.

### 1301 EXTERIOR LIGHTING

#### D. Luminaire Standards

All luminaires shall be designed as cut off luminaires. Cut off luminaires are those with a cut off angle of 75 degrees or less. Cut off luminaires are subject to the following standards.

1. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, shall be 25 feet. ~~Any luminaire greater than 25 feet in total height requires special use approval.~~ (Figure 13-1)

#### E. Exceptions to Lighting Standards

3. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 60 feet in any district. ~~Luminaires greater than 60 feet in total height require special use approval. In lieu of special use approval, u~~University or college educational facilities may erect luminaires not to exceed 90 feet when approved through an Institutional Master Plan and accompanied by a lighting plan.

### 1302 ACCESSORY STRUCTURES AND USES

#### A. General Regulations for Accessory Structures

7. Accessory structures permitted in rear, interior, or corner side yards shall be at least three feet from any lot line, unless otherwise permitted or restricted by this Ordinance.

#### B. Amateur (HAM) Radio Equipment

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 1304 are permitted only in the rear yard, and shall be located ten feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an additional ten feet, ~~unless a taller tower is technically necessary to engage successfully in amateur radio communications and obtains a special use approval as required by this section.~~
  2. Antennas may also be building-mounted and are limited to a maximum height of ten feet above the structure, ~~unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.~~
  3. Every effort shall be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.
  4. ~~An antenna or tower that is proposed to exceed the height limitations is a special use. The operator shall provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant shall provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 1304. As part of the application, the applicant shall submit a site plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.~~
- ~~54.~~ Any antennas and/or towers owned and operated by the City are exempt from these requirements.

#### I. Fences and Walls

##### 4. Walls

- a. A wall shall not exceed 12 inches in width, unless it is used to retain grade and the width is not visible above any adjacent finished grade. No wall within 5 feet of a front lot line shall exceed 36 inches in height. All other walls are limited to 6 feet in height. (Figure 13-3)

- b. No wall shall be constructed of unfinished building materials, including but not limited to, poured concrete, or concrete blocks unless the wall is properly capped and finished on both faces. [In residential zones, masonry units for walls shall be no larger than 18 inches in width and 8 inches in height.](#)

**N. Refuse and Recycling Container**

The following standards do not apply to properties that use city-issued wheeled trash and recycling containers.

- 1. ~~Refuse and recycling container regulations apply only to multi-family dwellings and non-residential uses.~~ Refuse and recycling containers are prohibited in the front yard.

**Q. Solar Energy System (Accessory Use)**

**2. Building-Mounted System**

- c. On flat roofed buildings in R-1A, R-1, ~~R-2~~, R-3, and R-P districts, the solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings in all other districts, the solar panel system is limited to fifteen feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.

**S. Wind Energy System (Accessory Use)**

Accessory wind energy systems are subject to the following requirements:

- 2. Wind turbines are subject to the following height restrictions:
  - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district. ~~A taller height is allowed by special use permit.~~

Table 13-2: Permitted Encroachments into Required Setbacks Y= Permitted // N= Prohibited				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Porch - Unenclosed 6' into front, interior side, or corner side setback 8' into rear setback <del>4' from all lot lines</del>	Y	Y	Y	Y

**ARTICLE 14. OFF-STREET PARKING AND LOADING**

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
Place of Worship	R-1, <del>R-2</del> , & R-3 Districts: 1 per 5 seats Other Districts: 1 per 8 seats	1 per 5,000sf GFA	25%

**1407 DRIVEWAY DESIGN**

**B. Curb Cuts**

- 1. Curb cuts shall be required to provide access to parking areas from the public right of way. All curb cuts require approval of the Department of Public Works and the Traffic Engineer.
- 2. Single-family, two-family, ~~semi-detached~~ and three-family dwellings are limited to one curb cut. ~~However, lots of 50 feet or more in width may have two curb cuts to create a circular drive with approval of a special use permit.~~
- ~~3. Lots in the RP District are limited to one curb cut.~~
- ~~4. Lots or uses in all other districts are limited to one curb cut per street frontage plus one additional curb cut every 200 feet after the initial 200 feet.~~ [All other uses are limited to one curb cut for every 100 feet of street frontage.](#)

**ARTICLE 15. TREES AND LANDSCAPING**

**1500 LANDSCAPING REQUIRED**

- A. Development activity that meets any of the criteria described below triggers conformance with this Article:

3. Full conformance is required when new principal buildings are constructed in the R-1A, R-1, ~~R-2~~, R-3, and RP Districts.

**1501 LANDSCAPE PLAN**

**A. Content of Landscape Plan**

6. The location, size, and material of retaining methods required to prevent erosion of landscaping material in permeable areas onto adjacent properties or rights of way.

**1503 ON-SITE LANDSCAPING AND REQUIRED TREES**

**B. Significant Tree Preservation**

1. A significant tree is any tree that measures 32 inches or more in diameter at four and one-half feet above the ground. No significant tree may be removed without the permission of the City Forester. Removal of a significant tree without City Forester approval is a violation of this ordinance.
3. When a significant tree is removed, the property owner shall plant at least three large trees to replace it on the same property or in a location to be determined by the City Forester.  
~~Any person who removes a significant tree without prior permission from the City Forester or causes the death of a significant tree through negligent construction practices or other means, as determined by the City Forester, is subject to a one-time fine equivalent to the value of the tree. The tree value is established using the Trunk Formula Method set forth in the latest edition of "Guide for Plant Appraisal," authored by the Council of Tree and Landscape Appraisers, or the maximum fine allowed by Rhode Island General Laws, whichever is greater. Fines will be held by the Parks Department for forestry-related uses as determined by the City Forester.~~

**1505 INTERIOR PARKING LOT LANDSCAPING**

All parking lots consisting of 20,000 ~~gross~~ square feet or more require interior parking lot landscaping as described in this section. When the calculation of interior parking lot landscaping requirements results in a fraction, said fraction is rounded up. (Figure 15-2)

**ARTICLE 16. SIGNS**

**1601 PERMITS AND APPROVALS REQUIRED**

- D. All signs, including window signs, in the D-1 District are subject to approval by the Downtown Design Review Committee, or I-195 Redevelopment District Commission, ~~or Capital Center Commission~~, as applicable. The Downtown Design Review Committee and the I-195 Redevelopment District Commission may grant a waiver to sign regulations as part of their review and approval, which includes permissions for moving or animated signs.

District	Additional Controls	Maximum Sign Area Per Sign	Maximum Sign Height
R-1A	Permitted for institutional uses only	16sf	6'
R-1	Permitted for institutional uses only	16sf	6'
<del>R-2</del>	<del>Permitted for institutional uses only</del>	<del>16sf</del>	<del>6'</del>

District	Maximum Sign Area Per Sign
R-1A	Prohibited
R-1	Prohibited
<del>R-2</del>	<del>Prohibited</del>

**ARTICLE 17. ORDINANCE ADMINISTRATORS**

- 1700 DESIGNEES
- 1701 CITY COUNCIL
- 1702 CITY PLAN COMMISSION
- 1703 ZONING BOARD OF REVIEW
- 1704 DOWNTOWN DESIGN REVIEW COMMITTEE
- 1705 I-195 REDEVELOPMENT DISTRICT COMMISSION
- ~~1706 CAPITAL CENTER COMMISSION~~
- 1707 HISTORIC DISTRICT COMMISSION
- 1708 ADMINISTRATIVE OFFICERS
- 1709 DIRECTOR OF THE DEPARTMENT OF INSPECTION AND STANDARDS
- 1710 DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
- 1711 CITY FORESTER
- 1712 CITY CLERK
- 1713 DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT
- 1714 ZONING BOARD OF REVIEW ORGANIZATION AND PROCEDURES
- 1715 DOWNTOWN DESIGN REVIEW COMMITTEE ORGANIZATION AND PROCEDURES
- 1716 I-195 REDEVELOPMENT DISTRICT COMMISSION ORGANIZATION AND PROCEDURES

- ~~1717 CAPITAL CENTER COMMISSION ORGANIZATION AND PROCEDURES~~
- 1718 HISTORIC DISTRICT COMMISSION ORGANIZATION AND PROCEDURES
- 1719 ADMINISTRATIVE OFFICERS APPOINTMENT AND PROCEDURES

1706 ~~CAPITAL CENTER COMMISSION~~ Reserved

~~The organization and procedures of the Capital Center Commission are delineated in Section 1717 below. The Capital Center Commission has the following powers, pursuant to this Ordinance:~~

- ~~A. To make final decisions on Capital Center Special Development District review applications.~~

~~When the Capital Center Commission dissolves, the Downtown Design Review Committee and its staff assume jurisdiction over the area of applicability.~~

1717 ~~CAPITAL CENTER COMMISSION ORGANIZATION AND PROCEDURES~~ Reserved

~~The Capital Center Commission is established in accordance in accordance with 2-361 through 365 of the Providence Code of Ordinances. Properties in the Capital Center Special Development District are governed by the rules and regulations of the Capital Center Commission, which it establishes from time to time pursuant to state law as well as this Ordinance.~~

**ARTICLE 18. APPLICATION AND NOTICE PROCEDURES**

**1800 APPLICATION**

**A. Filing of Applications**

1. All applications shall be filed with the appropriate official as described in Table 18-1: Filing of Applications:

TABLE 18-1: FILING OF APPLICATIONS	
APPLICATION	OFFICIAL OR HIS/HER DESIGNEE
Zoning Text and Map Amendment	City Clerk
Special Use	Zoning Board of Review Secretary
Variance	Zoning Board of Review Secretary
Administrative Modification	Director of Department of Inspection and Standards
Land Development Project	Director of Department of Planning and Development
Administrative Development Plan Review	Director of Department of Planning and Development
City Plan Commission Formal Development Plan Review	Director of Department of Planning and Development
D-1 District Formal and Administrative Development Plan Review	Director of Department of Planning and Development
I-195 Redevelopment Commission Development Plan Review	I-195 Redevelopment District Commission Staff
<del>Capital Center Special Development District Review</del>	<del>Capital Center Commission Staff</del>
Institutional Master Plan Formal Development Plan Review	Director of Department of Planning and Development
Certificate of Appropriateness	Director of Department of Planning and Development
Temporary Use Permit	Director of Department of Inspection and Standards
Zoning Interpretation	Director of Department of Inspection and Standards
Public Right-of-Way Encroachment Permit	Director of Department of Public Works
Building Permit	Director of Department of Inspection and Standards
Zoning Certificate	Director of Department of Inspection and Standards
Certificate Of Occupancy	Director of Department of Inspection and Standards
Zoning Appeals	Zoning Board of Review Secretary

**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 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.](#)

**1801 NOTICE**

**F. ~~Capital Center Commission Notice~~ Reserved**

~~Notice of regular meetings and public hearings of the Capital Center Commission and its subcommittees shall be held pursuant to the procedures adopted by the Capital Center Commission.~~

**ARTICLE 19. ZONING APPLICATIONS AND APPROVALS**

- 1900 ZONING TEXT AND MAP AMENDMENT
- 1901 SPECIAL USE PERMIT
- 1902 VARIANCE
- 1903 ADMINISTRATIVE MODIFICATION
- 1904 LAND DEVELOPMENT PROJECT
- 1905 ADMINISTRATIVE DEVELOPMENT PLAN REVIEW
- 1906 CITY PLAN COMMISSION FORMAL DEVELOPMENT PLAN REVIEW
- 1907 D-1 DISTRICT FORMAL AND ADMINISTRATIVE DEVELOPMENT PLAN REVIEW

1908	ES OVERLAY DISTRICT FORMAL DEVELOPMENT PLAN REVIEW
1909	<del>CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT REVIEW</del> <u>Reserved</u>
1910	INSTITUTIONAL MASTER PLAN FORMAL DEVELOPMENT PLAN REVIEW
1911	CERTIFICATE OF APPROPRIATENESS
1912	TEMPORARY USE PERMIT
1913	ZONING INTERPRETATION
1914	PUBLIC RIGHT-OF-WAY ENCROACHMENT PERMIT
1915	BUILDING PERMIT
1916	ZONING CERTIFICATE
1917	CERTIFICATE OF OCCUPANCY
1918	APPEALS

**1904 LAND DEVELOPMENT PROJECT**

**C. Applicability**

2. The following types of development that may meet the above thresholds are not considered land development projects:
  - a. Any development in an institutional district that is part of an institutional master plan.
  - b. Any development subject to review by the Downtown Design Review Committee, or the I-195 Redevelopment District Commission, ~~or the Capital Center Commission.~~
  - c. Primary and secondary educational facilities in residential zones.

**1905 ADMINISTRATIVE DEVELOPMENT PLAN REVIEW**

**C. Applicability**

2. The following types of development are not subject to administrative development plan review:
  - a. Any development that requires land development project review or development plan review by the City Plan Commission.
  - b. Any development in an institutional district that is part of an institutional master plan.
  - c. Any development subject to review by the Downtown Design Review Committee, the I-195 Redevelopment District Commission, or the Historic District Commission, ~~or the Capital Center Commission.~~

**1907 D-1 DISTRICT FORMAL AND ADMINISTRATIVE DEVELOPMENT PLAN REVIEW**

**C. Applicability**

3. This section does not apply to improvements to properties located in ~~the Capital Center Special Development District,~~ the I-195 Redevelopment District, a Historic District, or the Industrial and Commercial Buildings District.

**E. Waivers**

**2. Downtown District Demolition Waivers**

**a. Purpose**

In order to preserve the urban fabric of the D-1 District, no building may be demolished, in whole or in part, until the Downtown Design Review Committee ~~or the Capital Center Commission, as applicable,~~ has granted a waiver to demolish the building and has approved plans for new construction. The review process for demolition waivers is contained in the development review regulations adopted by the City Plan Commission.

**1909 ~~CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT REVIEW~~ Reserved**

**~~A. Purpose~~**

~~The Capital Center Special Development District created in accordance with Section 2-361 through 365 of the Providence Code of Ordinances and state law is established to govern in a coordinated manner the development of the Capital Center District, including implementation of special land use controls, proper urban planning, developmental tools and implementation and administration of the Plan of Development that sets forth design and development criteria, regulations and enforcement procedures. The Plan of Development is subject to these criteria, regulations and enforcement procedures as well as the provisions of this Ordinance.~~

**~~B. Authority~~**

~~The Capital Center Commission, created in accordance with Section 2-364 of the Providence Code of Ordinances, is established to carry out the purpose of the Capital Center Special Development District. In addition to the design review process established by the Capital Center Commission pursuant to state statute, all development in the Capital Center Special Development District shall be reviewed to determine its conformance to the provisions of this section.~~

**~~C. Applicability~~**

In addition to those powers granted to the Capital Center Commission pursuant to Title 45, Chapter 24.4 of the Rhode Island General Laws, the Capital Center Commission has the ability to regulate development in the Capital Center Special Development District. The Capital Center Commission is authorized to regulate all improvements on public and private land in the Capital Center Special Development District, including the construction, reconstruction, alteration, repair, demolition, removal, rehabilitation of the exterior of new and existing buildings and appurtenances pursuant to the authority granted under this section and in a manner not otherwise inconsistent with the provisions of this Ordinance.

#### **D. Plan of Development**

In accordance with Section 2-364 of the Providence Code of Ordinances, the Capital Center Commission shall adopt a Plan of Development to regulate the type of development, use, height, setback, size, design, and parking in the Capital Center Special Development District. The provisions of this Ordinance are minimum standards for the Plan of Development. The Plan of Development may contain a parking plan that establishes a minimum number of parking spaces for each parcel in the District and permits the required parking for any use to be supplied in public or private parking garages or lots on any parcel in the Capital Center Special Development District.

#### **E. Zoning Compliance**

All development in the Capital Center Special Development District shall conform to the provisions of this Ordinance.

#### **F. Waivers**

Where specifically noted by this section, and in accordance with all requirements herein, the Capital Center Commission may grant waivers that carry out the purpose of the Capital Center Special Development District, are in harmony with the general purposes and intent of these regulations, and are in accordance with the requirements of this section. Waivers may be granted to these regulations governing building height, setback, signs, landscaping, and parking. In granting a waiver, the Capital Center Commission may impose such conditions deemed necessary to carry out the purpose of this section. The Capital Center Commission may grant the following waivers, after a required public hearing that meets the same requirements as a Zoning Board of Review public hearing:

1. ~~Building Height.~~ The Capital Center Commission may grant a waiver to permit a building height increase of up to 30% of the permitted height specified by zoning.
2. ~~Signs.~~ To permit maximum flexibility in the location and type of signs requested, the Capital Center Commission may grant a waiver as follows:
  - a. ~~Retail Trade.~~ When the principal use of property is retail trade and the project contains more than 100,000 square feet of gross floor area with at least a minimum of five different retail uses, the owner may request a waiver to the sign regulations of this Ordinance. In requesting the waiver, the owner shall submit to the Capital Center Commission an overall sign plan that details the size, location, material, and lighting of signs on the project and sets sign criteria for retail frontages that would allow the change of retail uses and their signs without additional review. The Capital Center Commission may grant waivers as follows:
    - i. ~~Maximum Total Area of All Signs.~~ Permit a maximum total area of all signs that does not exceed five square feet of sign for every lineal foot of building frontage. In calculating building frontage, each side of the building may be counted.
    - ii. ~~Maximum Sign Area.~~ Permit the maximum sign area of one or more signs to be increased to a size deemed acceptable to the Capital Center Commission.
    - iii. ~~Illumination.~~ Permit a variety of illumination techniques including internal illumination as long as the sign does not read as a plastic back lit sign. Flashing, changeable letter or message, changeable color or any sign that moves are not permitted.
    - iv. ~~Material.~~ Permit a variety of contemporary sign materials which is not limited by the D-1 District sign regulations.
  - b. ~~All Other Uses.~~ The owner/applicant may request a waiver from the Capital Center Commission for signs in accordance with this section. In filing a request for a waiver, the owner/applicant shall submit an overall sign plan that details the size, location, material, and lighting of all signs on the project. The Capital Center Commission may grant waivers for signs as follows:
    - i. ~~Planned Development.~~ When a parcel, as defined in the Capital Center Regulations, which consists of five or more buildings that are not divided by a public road is developed in accordance with a plan, the Capital Center Commission may grant a waiver to permit signs on one building or lot in the parcel to advertise a business located in another building or on another lot in the parcel. The approved signs may be wall-mounted, freestanding or projecting. In calculating maximum total sign area, the maximum allowable area for each lot shall be calculated and added together to arrive at the maximum sign area for the parcel.
    - ii. ~~Maximum Sign Area.~~ Permit the maximum sign area of one or more signs to be increased to a size deemed acceptable to the Capital Center Commission but the total area of all signs shall not exceed the maximum total area of all signs on a building.
    - iii. ~~Illumination.~~ Permit a variety of illumination techniques including internal illumination as long as the sign does not read as a plastic back lit sign. Flashing, changeable letter or message, changeable color or any sign that moves are not permitted.
    - iv. ~~Material.~~ Permit a variety of contemporary sign materials which is not limited by the D-1 District sign regulations.
3. ~~Landscaping.~~ The Capital Center Commission may grant a waiver to the landscaping provisions of this Ordinance. In granting a request for a waiver, the Capital Center Commission shall find that the proposed landscaping meets or exceeds the intent of this regulation, and that the proposed landscaping is found to better address the needs of the development proposal.
4. ~~Parking.~~ The Capital Center Commission may, if it has not adopted a parking plan, grant a waiver to permit parking required by this Ordinance to be supplied in public or private parking garages or lots in the district. The Capital Center

~~Commission may grant a waiver to permit a reduction of up to 25% of the required number of parking spaces per parcel.~~

~~5. Setbacks. The Capital Center Commission may grant a waiver to permit 20% of the building frontage to be set back from the street line or left open to form a courtyard. A waiver may also be granted for construction on a lot with a curved frontage, so that the building follows the chord or the tangent rather than the curve of the lot line. A waiver may also be granted where nonconforming setbacks exist on adjacent buildings.~~

~~**G. Incentives**~~

~~The Capital Center Commission is authorized to grant development incentives in the form of density bonuses, height bonuses, or transfers of development rights, in accordance with the provisions of the D-1 District.~~

**ARTICLE 20. NONCONFORMITIES AND USES BY VARIANCE OR SPECIAL USES**

**2003 NONCONFORMING LOT**

**C. Enlargement or Subdivision of ~~Substandard~~ Nonconforming Lots**

Lawfully established lots which have less than the minimum area requirements, may be maintained and may be changed by adding additional land to such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this Section. Such lots may be reconfigured by adjusting lot lines so long as there is no increase to the degree of an existing nonconformity and no new nonconformities are created.

**D. Subdivision into Nonconforming Lots**

Where it is documented in an official map or record of the Tax Assessor 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 2,500 sf and 25 feet of lot width. The subdivision is subject to all other regulations of this ordinance.

**2004 NONCONFORMING SITE ELEMENTS**

**C. Required Conformance**

**1.** All nonconforming site elements shall be brought into conformance when the following occurs:

~~1.~~ **a.** The existing principal structure is demolished and a new structure is constructed.

~~2.~~ **b.** A new principal structure is constructed.

~~3.~~ **c.** The existing principal structure is increased in total building footprint by 30% or more.

~~4.~~ **d.** An existing parking lot of 10 or more spaces is fully reconstructed or repaved or an existing parking lot area is expanded by 50%. Resealing or re-striping of an existing parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other surface paving material, is not considered reconstruction.

~~5.~~ **e.** When 50% or more of the length of a fence or wall is reconstructed along any one lot line, all fences or walls on the site shall be brought into conformance.

~~6.~~ **f.** When 25% or more of exterior lighting fixtures are replaced, all exterior lighting on the site shall be brought into conformance.

~~7.~~ **2.** Landscaping shall be brought into conformance when any of the following development activities occur. The limits of disturbance is defined as the boundary within which all construction, grading, paving or repaving, landscaping, and related activities occur.

**a.** Full conformance is required for the entire development or area within the limits of disturbance, whichever is less.

**1. b.** If the area within the limits of disturbance equals more than 50% of the area of the lot or lots being developed, the entire development shall conform.

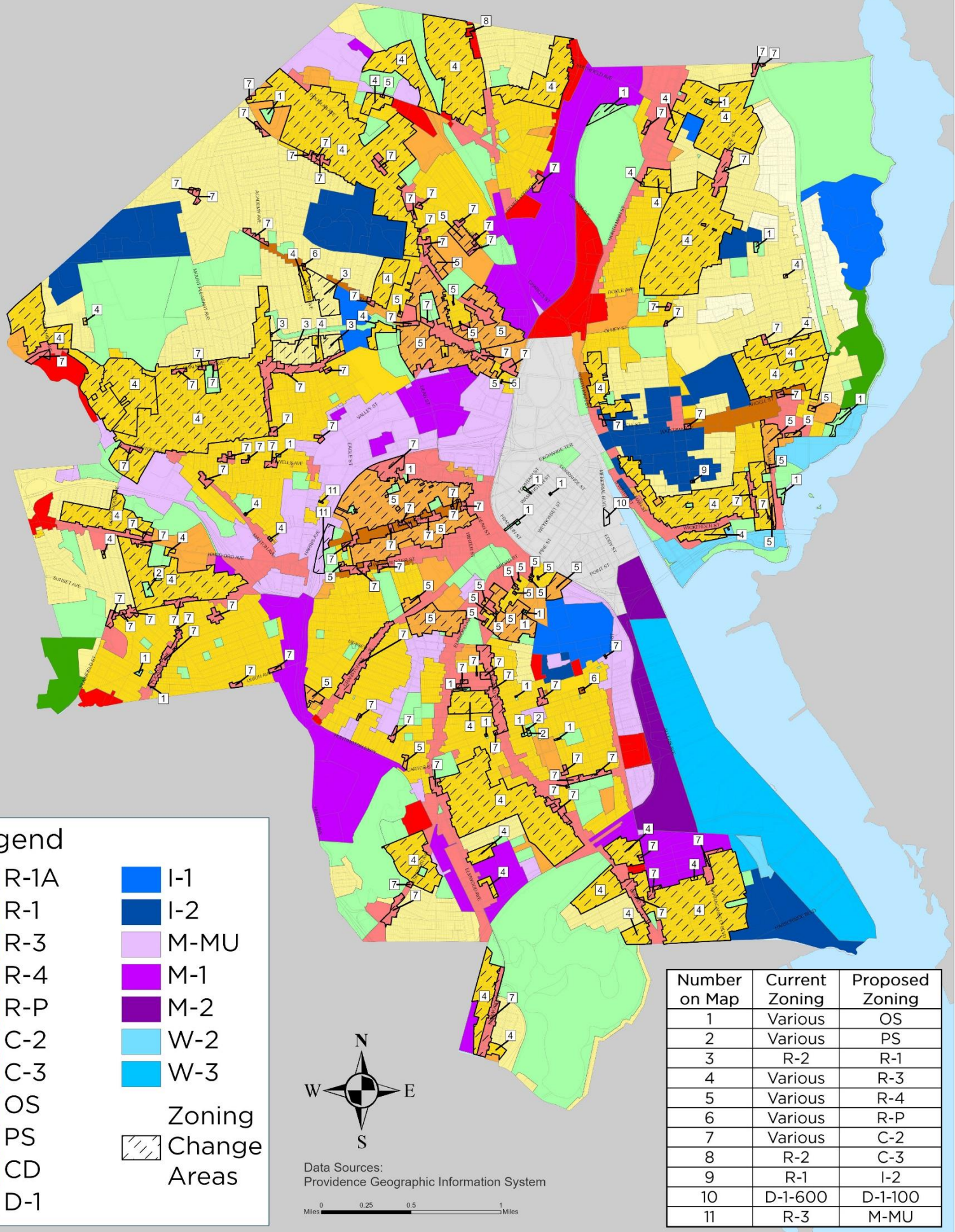
**c.** No development or tree cutting may result in a loss of trees and landscaping below what is required by this Ordinance.

**3.** When a detached garage or an outbuilding is constructed or converted to an accessory dwelling unit, the rear yard shall be brought into compliance with maximum impervious surface and landscaping standards of this ordinance.

**SECTION 2:** The Official Base Zoning Map is amended in accordance with the attached map. All existing footnotes on the current map shall remain.

# BASE ZONING MAP CHANGES

PROVIDENCE, RHODE ISLAND

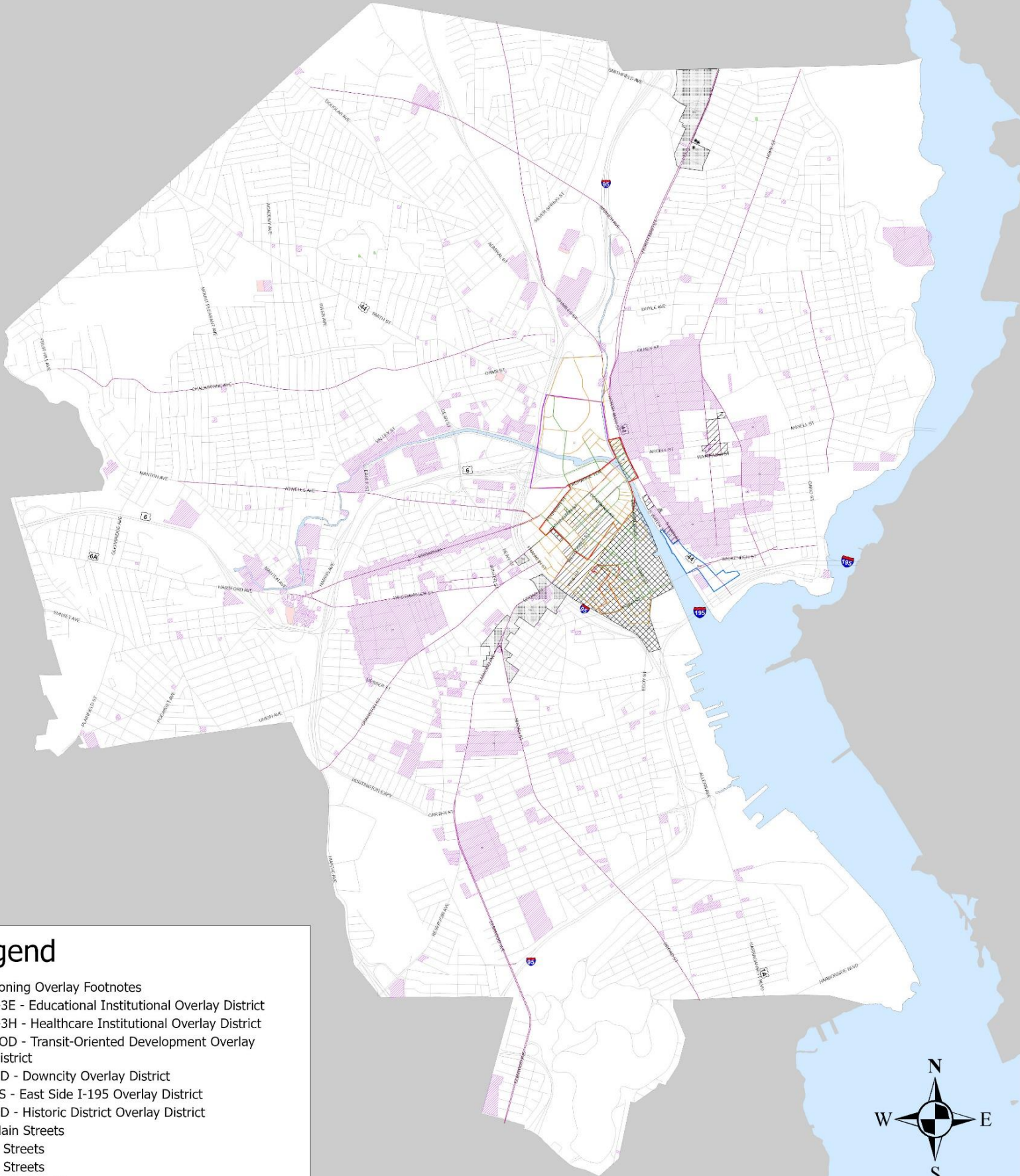




**SECTION 3:** The official Overlay Zoning Map is amended in accordance with the following map.

# OVERLAY ZONING MAP CHANGES

## PROVIDENCE, RHODE ISLAND



**Legend**

- \* Zoning Overlay Footnotes
- I-3E - Educational Institutional Overlay District
- I-3H - Healthcare Institutional Overlay District
- TOD - Transit-Oriented Development Overlay District
- DD - Downcity Overlay District
- ES - East Side I-195 Overlay District
- HD - Historic District Overlay District
- Main Streets
- B Streets
- A Streets

**Overlay Zoning Changes**

- Historic District Overlay District Add
- Historic District Overlay District Remove
- CC - Capital Center Special Development District - To be Removed

Data Sources:  
Providence Geographic Information System

0 0.25 0.5 1 Miles

**SECTION 4:** Text changes that delete regulations pertaining to the Capital Center Special Development District and map changes that delete the Capital Center Special Development District from the Zoning Overlay Map shall take effect only upon passage and enactment of legislation by the Rhode Island General Assembly repealing the establishment of the Capital Center Commission. All other provisions of this ordinance shall take effect upon passage.