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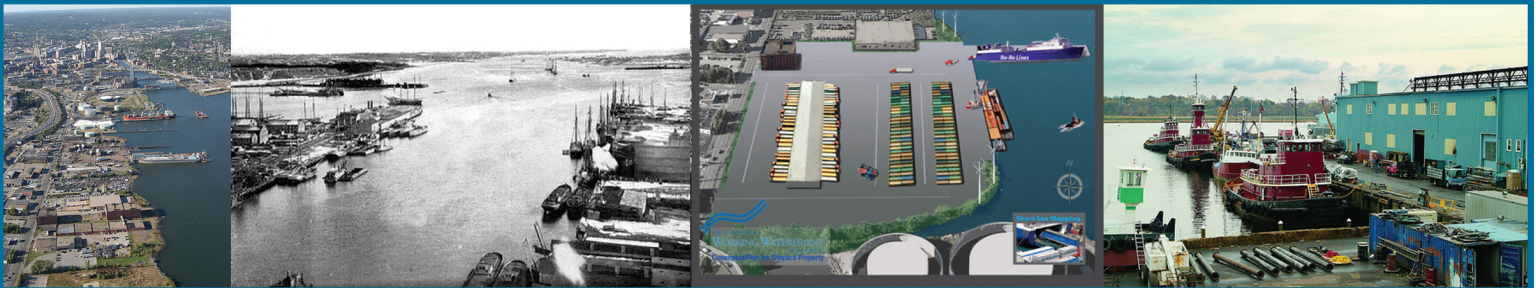
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# Providence Working Waterfront Assessment and Recommendations for Current Comprehensive Plan and Zoning Ordinance

September 23, 2008



*Submitted to:*

**Providence Working Waterfront Alliance**  
242 Allens Avenue  
Providence, RI 02905

*Submitted by:*

**Horsley Witten Group, Inc.**

# WORKING WATERFRONT NORTH-COMPREHENSIVE PLAN AND ZONING ASSESSMENT

## TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION AND BACKGROUND	1
Physical Characteristics	1
Existing Zoning	1
The Updated Comprehensive Plan	6
Waterfront Charrettes	12
II. ALTERNATE COMPREHENSIVE PLAN PROPOSAL	14
Extending the Jobs District to Include the Study Area	14
Designation of the Study Area as “Waterfront Mixed Use/Industrial”	15
Proposed Comprehensive Plan Amendment Language	15
III. ZONING ORDINANCE LANGUAGE	21
Baseline Zoning Map Amendments	21
Industrial/Manufacturing Overlay District	21
Amendments to Selected Base Zoning Provisions	23
IV. SUMMARY	24

## LIST OF FIGURES

### Figure

1. Working Waterfront North Study Area	2
2. Working Waterfront North Barriers and Continuity	3
3. Working Waterfront North Approximate Extent of Existing Zoning	4

## I. INTRODUCTION AND BACKGROUND

The following report examines the current city-wide discussions surrounding the use of selected waterfront property located in Providence, RI. The goal of this study is to distill the wide range of planning and economic development issues associated with this area into proposed language for the City's Comprehensive Plan and Zoning Ordinance. To develop these final products, Horsley Witten Group, Inc. (HW) reviewed the Comprehensive Plan documents recently developed by the City, economic and infrastructure analyses associated with the area, the existing Zoning Ordinance, materials presented at the four-day Waterfront Charrette process and other supporting materials. HW also performed on-site reconnaissance and reviewed existing and historic mapping/aerial photographs of the area to help inform our assessment.

### Physical Characteristics

The area in question (Figure 1) is bordered to the east by the Providence River, to the west by Route 95, to the north by the newly developed Route 195 connector. The southern most boundary of the site coincident approximately with the Thurbers Avenue exit off of Route 95. Allens Avenue runs through the middle of this study area in a northerly/southerly direction. This area is part of the larger Providence Working Waterfront and is currently dominated by water-dependent industrial use. For the purposes of this report, the study area will be referred to as the Working Waterfront North and the heavy industrial/municipal area immediately to the south will be referred to as the Working Waterfront South. However, it is important to note that, in terms of their function today, these areas create a contiguous land use profile characterized by interdependent, water-dependent heavy industrial use.

From the perspective of "physical planning", the study area is unique to many urban settings in that its boundaries are so clearly defined on three sides. The presence of Route 95 to the west provides a significant structural and topographic boundary. Although Allens Avenue connects the area into the City's "Jewelry District" to the north, the Route 195 connector overpass provides both a physical and a psychological boundary for motorists on this northern edge. Traveling beneath this overpass today provides a clearly perceived break between City neighborhoods that is consistent both with prior Comprehensive Plans and existing Zoning Ordinance provisions. To the east, the Providence River widens into its dredged deep-port channel and provides perhaps the most obvious of all boundaries to the study area. Framed by these dramatic physical features in the landscape, the study area is physically and visually removed from most adjacent neighborhoods and demonstrates its highest level of continuity with the heavy industrial land uses to the south (Figure 2).

### Existing Zoning

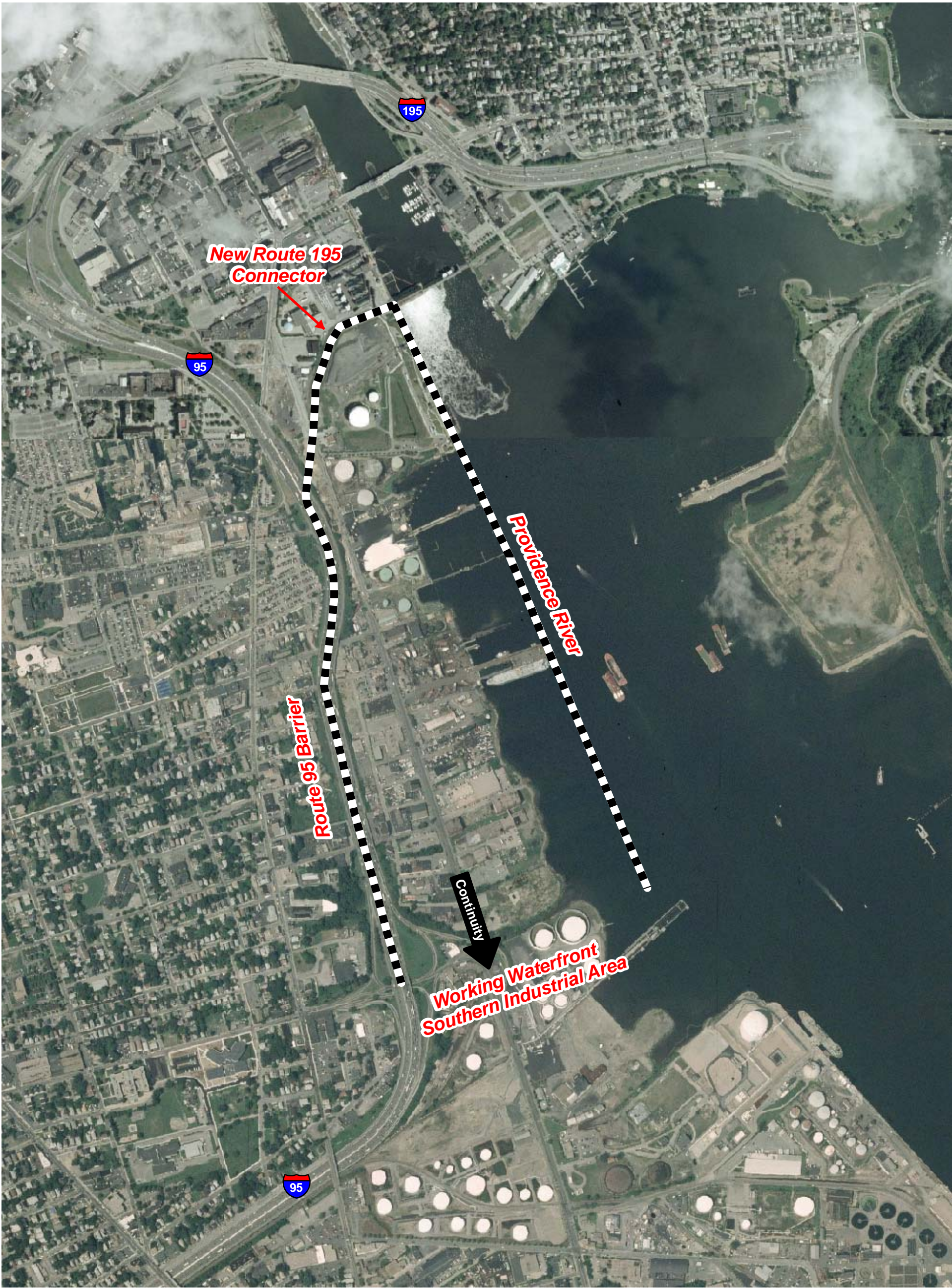
Zoning for the Working Waterfront North study area is largely comprised of W-3 and M-2 zoning districts (Figure 3). A small area of M-1 zoning is also located within the study





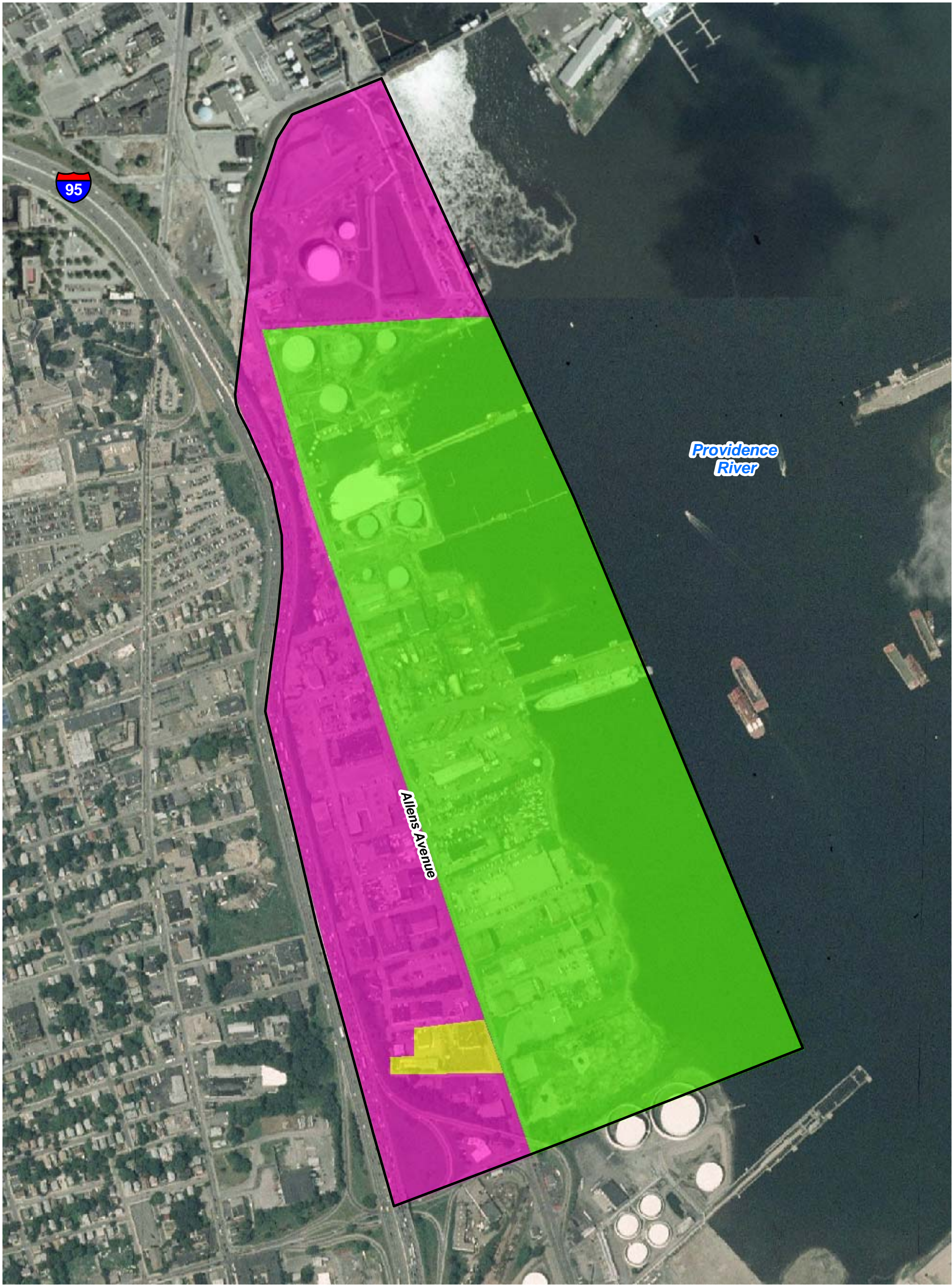
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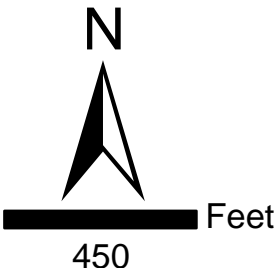


**Legend**

 Providence Working Waterfront North

**Zoning**

-  M-1
-  M-2
-  W-3



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Working Waterfront North  
Approximate Extent of  
Existing Zoning



area on the western side of Allens Avenue just north of the Thurbers Avenue exit. M-1 and M-2 are defined as “Industrial Zoning Districts” with the following descriptions in the Zoning Ordinance:

M-1 Industrial District – This zone is intended for general industrial uses that accommodate a variety of manufacturing, assembly, storage of durable goods and related activities provided that they do not pose toxic, explosive or environmental hazard in the City; and to support live-work spaces only in those existing underutilized industrial and/or commercial structures that are included in Article V, Section 501, ‘Industrial and Commercial Individual Structure District.’

M-2 Heavy Industrial District – This zone is intended to provide areas for heavy industrial uses, especially for those uses that are potentially hazardous, noxious or incompatible with the uses in any other zone.”

The other predominant zoning district, the W-3 district, is described in the current Zoning Ordinance as follows:

W-3 Waterfront: Port/Maritime Industrial District – This zone is intended to promote the Port of Providence and related maritime industrial and commercial uses within the area of Providence’s waterfront; to protect the waterfront as a resource for water dependent industrial uses; and to facilitate the renewed use of a vital waterfront.

As with other base zoning districts, these areas are regulated by several standard sets of zoning criteria such as land use allowances, dimensional standards and parking/loading requirements. From the perspective of comprehensive planning, the way in which these districts were meant to contribute to the local and regional economy, and the way in which they were meant to relate to adjacent districts is best illustrated in the Land Use Table associated with Article III of the Zoning Ordinance. A close examination of these provisions demonstrates a clear desire to accomplish several economic objectives through the use of specific prohibitions, targeted “special use permits” that require a more restrictive level of permit scrutiny, and broader land use allowances as districts move farther from the port area. Some of the more notable observations in the Land Use Table include:

- 1) Of the three zoning districts included in the Working Waterfront North study area, only the M-1 district, which comprises an insignificant portion of the study area, potentially allows for a broad mix of residential use. In the M-1 district, a variety of multi-family, lodging or group quarters housing is allowed, with lodging use (e.g. hotel and motel) only allowed through the issuance of a special use permit. The other districts in the study area, those covering the vast majority of land, prohibit all manner of residential use except for “residential mixed use” and “live-work space” at different intensities.

Based on the goals associated with M-2 and W-3 zoning districts, it is not surprising to see that potentially allowable residential uses are limited. The goals for these districts are essentially exclusive of this sort of land use. For the W-3 district, the goal is to optimize the use of land for maritime and

industrial uses. For the M-2 district, the goal is to identify land where certain potentially noxious industrial uses can operate without creating hazards or conflicts with other incompatible uses.

- 2) Following the goals for the W-3 district, the allowances for non-residential land uses are specifically geared toward investment in a vital port area. This is demonstrated in the Land Use Table by two basic observations. First, many of the most intense, heavy industries are reserved for this zoning district. In many instances, the M-2 district is the only other zoning district where these heavier industrial uses can be sited. Second, the Land Use Table provides footnotes on several occasions to clarify that many of the non-industrial uses (e.g., Manufacturing, Trade, and General Service) are only allowed where “such uses are part of a marine enterprise or are dependent on access to the Port of Providence.”
- 3) As with the W-3 district, the Land Use Table is consistent with the goals of the M-2 district as provided in the Zoning Ordinance. The district is primarily intended to serve those heavy industrial uses that are considered to be generally incompatible with “softer” land uses by virtue of their operating procedures and/or the materials that are stored on site. Accordingly, as previously mentioned, the Land Use Table reserves many potentially noxious or otherwise high impact uses for this area. The M-2 district located in the study area is the only place in the City reserved for this district and therefore represents a unique land use opportunity from a regulatory perspective.

Of particular interest with the M-2 district is that it does not require many of the non-residential uses to be directly dependent on water-related industry, as is the case with the W-3 provisions. The absence of these restrictions effectively broadens the scope of those non-residential uses that can be located in this area. For example, in the General Services category (Land Use Table Section 4.0), “Professional Service” is allowed in both the W-3 and M-2 districts. In the W-3 district, any such use would need to be directly included within a marine enterprise or would require port access in order to operate. In the M-2 district, these restrictions do not apply. As a result, the M-2 district is far more likely to allow uses like architectural or legal offices than the W-3 district. The broadening of potential uses in the M-2 district as compared to the W-3 district demonstrates an expectation on the part of the City that the M-2 will be potentially less specialized in the way it relates to the waterfront.

### The Updated Comprehensive Plan

The City of Providence recently initiated the required update to their Comprehensive Plan (the Plan) and adopted an interim plan, *Providence Tomorrow*, in December of 2007. In the months that followed, the City sponsored a series of workshops and charrettes in selected neighborhoods as part of a broad outreach effort to support the planning process. One of the central roles of the Comprehensive Plan is that it will serve as the framework



for changes to the Zoning Ordinance. By state law, the City will be required to amend its local regulations to be consistent with this current plan as necessary in the near future.

One of the more complicated issues raised by the revised Plan concerns the best use of the Working Waterfront North in light of existing market trends, the role of this area as both a local and regional economic resource, and many of the unique physical characteristics of the area. The updated Plan proposes a change in policy direction for this area by broadening the range of uses that would be encouraged for the Working Waterfront North. Specifically, the plan proposes a change in the Future Land Use map that would designate the Working Waterfront North as a “Waterfront Mixed Use/General” category. According to the plan, this designation would provide more flexibility for an “area in transition” and would allow the Working Waterfront North to accommodate the existing industrial uses along with provisions for residential, service (i.e., restaurant and hotel), and professional office space.

The first clear mention of a shift in policy toward the Working Waterfront North study area comes in Section 11 Land Use. In this section, Table 11.1 summarizes each of the land use designations for the City as they appear on the revised Land Use Map. Within this table, the new land use designation for the study area is presented:

**Table 11.1 Land Use Designations**

Waterfront Mixed Use/General

These areas are intended for a balanced mix of industrial, commercial and residential uses to serve as a transition between heavier port uses and downtown.

The next sections of the Plan that potentially affect the direction of development in the study area does so not by *including* the area in a particular land use directive, but by *omitting* the study area from those neighborhoods targeted for concentrated industrial development. Section 11.2.3 provides a description of those areas identified by the City as suitable for regulations specifically designed to protect and foster heavy commerce and industry:

**11.2.3 Business Areas**

It is vital for Providence to provide opportunities for industries and industrial expansion which will employ residents of Providence, while ensuring minimal impact on adjacent residential areas. These areas are designated as Jobs Districts on Map 11.2 ‘Future Land Use’. Manufacturing land uses consist of land that is occupied by industries such as jewelry and assembly companies. Manufacturing uses are located throughout the City, with a number of industrial parks such as Huntington Industrial Park, Silver Spring Industrial Park, West River Industrial Park, and the industrial area of Washington Park. There has been a significant reduction in the amount of land occupied by industries in the last few decades. As manufacturing companies of all kinds generally employ large numbers of people and contribute to a diverse economic base, efforts will be made through this plan to encourage manufacturing firms to grow and expand in these areas. Businesses need areas where they can predictably grow and expand in the future without the concern of conflicts that often arise between manufacturing/ industrial uses and residential uses. Therefore, no residential uses of any kind are permitted in the Jobs District or the Port of Providence.



The Plan goes further to discuss the application of this overlay in specific areas of the City through the various Objectives in the Land Use Element of the Plan:

#### **OBJECTIVE LU 10**

##### **Business and Jobs**

Promote job growth and retention through appropriate land use controls.

##### **Strategies:**

- A. Regulate land use downtown to ensure its future as Rhode Island's preeminent center for business, tourism and entertainment.
- B. Ensure that land available after the I-195 relocation will support a significant number of jobs and generate taxes.
- C. Revise regulations to reinforce existing jobs districts and establish new districts that allow for business growth and the development of the city's tax base without conflicts with residential uses. Key jobs districts are designated on Map 11.2 'Future Land Use' and include:

Promenade

Industrial Parks: Huntington, West River, Silver Spring, Washington Park

Port of Providence

Beyond those small sections identified within the Land Use Element of the updated Plan above, provisions of the Waterfront Element directly address the perception of the Working Waterfront North and its potential role in the overall direction of waterfront development in this area. With regard to the study area, the Waterfront Element introduces the "Allens Avenue Corridor" as follows:

##### *Allens Avenue Corridor*

The area north of the Thurbers Avenue and south of the relocated I-195 along Allens Avenue is an industrial waterfront in transition. Several water-dependent utility and energy-related businesses that are essential to the regional economy are located here, as well as important marine repair services. The land area reserved for industrial uses, however, is currently more extensive than the demand for heavy industrial, water-dependent uses and activities. There is an increasing demand for commercial and tourist-related development such as hotels, restaurants and retail uses in this area. On lands no longer needed exclusively for maritime purposes, new maritime mixed-use developments could provide improved and expanded commercial and recreational maritime facilities, open spaces, residences and public access combined with revenue-generating, water-oriented activities and attractions to increase the public's enjoyment of the waterfront. Inland areas, on the other side of Allens Avenue, could provide opportunities for residential and commercial uses, such as offices, neighborhood-oriented retail and service businesses, and community and cultural facilities.

The primary objective in this area is to carefully balance future development with the need for water-dependent and maritime related uses and to mitigate potential conflicts among the various uses. It will be critically important in this area to ensure that water dependent and industrial businesses are able to expand and flourish, while additional uses are introduced into this area. Particular strategies are needed to ensure that any potential



residents understand that the common by-products of industrial uses such as noise, odor and vibration, shall not be deemed a nuisance in this area.

Objective W1, “Planning for Narragansett Bay” provides one of the most detailed lists of strategies within the updated Comprehensive Plan<sup>1</sup>. This list, provided below, clearly demonstrates the challenges of planning for waterfront areas where so many different values compete for limited and valuable space.

## **OBJECTIVE W 1**

### **Planning for Narragansett Bay**

Protect the long-term viability and sustainability of Narragansett Bay as an economic, cultural and natural resource through the development of appropriate plans and regulations.

#### **Strategies:**

- A. Develop a unified waterfront plan for Narragansett Bay, based on the analysis and refinement of the principles proposed in the Providence 2020 study, that includes:
  1. Review of past planning studies for the City of Providence, such as the Old Harbor Plan and the Industrial Waterfront Plan, and of other port areas for best practices.
  2. Assessment of the role the waterfront areas play in the overall economic development of the city including:
    - Economic viability of port use and development
    - Means of maximizing the use of land, including an assessment of both existing and potential land uses, including industrial, commercial, cultural, hotel and residential.
  3. Land Use percentage targets to ensure a balanced mix of uses while prioritizing maritime activities that are vital to the continued growth of the city's economy.
  4. Types and locations of encouraged water-dependent/water-enhanced uses.
  5. Types and locations of uses that should be prohibited.
  6. Appropriate locations for non water-dependent uses.
  7. Areas best suited for wind/hydro power generation.
  8. Design objectives for mass, scale, building height, density, setbacks, public access to and along the waterfront (both physical and visual), open spaces, streetscape, preservation of significant historic and cultural resources, and specific strategies to minimize damage from flood hazards and events.
  9. Nodes of intensity to support mass transit access.
  10. Buffer strategies for industrial properties to ensure compatibility with less intense uses.
  11. Short, medium and long-term strategies to minimize impacts of new uses on existing uses.

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<sup>1</sup> The objectives listed in the December 17, 2007 Comprehensive Plan used as the basis for this report show minor discrepancies in their numbering when compared with the comments provided in City Council Ordinance 2007-53. Although the numbering of those Objectives may have been different, the substance of these provisions are the same and therefore still relevant to the proposed approach.



- B. Develop a harbor management plan to address use of the water sheet, including marina and mooring field locations, no-wake zones and limits on commercial traffic on the Providence River north of the Hurricane Barrier, and on the Seekonk River.
- C. Update regulations to recognize the unique significance of waterfront property by:
  - 1. Establishing criteria and standards for waterfront developments and development plan review.
  - 2. Establishing criteria to balance water-dependent and non water-dependent uses along the waterfront, and mitigate the potential conflicts among various uses.
  - 3. Including strategies to protect, restore and enhance the water quality of the Bay, such as urban-scaled Low Impact Development (LID) standards.
  - 4. Minimizing impacts of flood hazards and rising sea level by measures such as minimum freeboard elevations.
  - 5. Implementing the land use and design objectives of the unified waterfront plan for the Bay.
  - 6. Increasing opportunities for physical and visual public access to the waterfront, both physical and visual, and where possible, create linkages to public parks and recreation facilities.

Shortly after the initial list of Strategies provided in Objective W1, the fourth waterfront objective discusses the economic value of the waterfront in terms of which uses shall be allowed. In this section, the first strategy acknowledges the unique economic value of the 40-foot deep dredged channel, but maintains that this advantage will be best used along the more limited Working Waterfront South area to the immediate south of the Working Waterfront North. In contrast with the Working Waterfront South area, this section definitively links the Working Waterfront North with the newly established Waterfront Mixed/Use General area (letter “C” below).

#### **OBJECTIVE W 4**

##### **Business and Jobs**

Promote the Narragansett Bay waterfront as an economic engine for the city.

##### **Strategies:**

- A. Encourage intensive use of the area designated as Waterfront/Port on Map 11.2 ‘Future Land Use’ for water-dependent industrial businesses to take strategic advantage of the 40 feet deep-water channel.
- B. Promote more extensive use of the existing free trade zone in the Port of Providence.
- C. Support development of a mixture of water-dependent, water-related and water-enhanced uses in the areas designated Waterfront Mixed Use/General on Map 11.2 ‘Future Land Use’.
- D. Support development of businesses related to water-based tourism such as cruise ship terminals, marinas, hotels and restaurants.
- E. Support uses that provide jobs at a variety of skill levels.

Objective W5, below, then describes many of the housing goals associated with the City’s overall waterfront. Notably, Strategy “C” introduces some of the planning mechanisms that the City sees as viable ways to mitigate potential conflicts between heavy industry and residential use.



## **OBJECTIVE W 5**

### Housing

Ensure an active, vibrant waterfront by encouraging mixed-use developments with residential components in appropriate locations on the Narragansett Bay waterfront.

### Strategies:

- A. Promote mixed-use developments as a transition between residential and non-residential areas along the Narragansett Bay waterfront.
- B. Ensure that greenways and other open spaces located along the waterfront adjacent to residential uses are publicly accessible and do not appear to be for the private use of residents.
- C. Ensure that residential development does not impede development and expansion of maritime uses through the development of strategies such as location, buffering and deed restrictions that acknowledge the rights of commercial and industrial maritime businesses to continue to develop and expand. Residents in this area shall understand that noise, odors, vibrations, etc. generated by businesses shall not be deemed a nuisance.
- D. Continue to oppose the development of a liquefied natural gas marine terminal in Providence as a significant hazard to existing residential neighborhoods in close proximity to the waterfront.

Objective W9-Strategy “B”, below, echoes the mitigation strategies in Objective W5 and further describes strategies to expand the overall use profile in the area.

## **OBJECTIVE W 9**

### **Land Use**

- B. Examine strategies for the redevelopment of the area designated as Waterfront Mixed Use/General on Map 11.2 ‘Future Land Use’ with a balanced mix of industrial, commercial and residential uses to serve as a transition between heavier industrial port uses to the south and Downtown Providence to the north by:
  - 1. Supporting the development of commercially-oriented water dependent uses such as cruise ship/ferry passenger terminals that require deep water access and related support facilities.
  - 2. Establishing nodes of higher intensity along the Allens Avenue corridor to support enhanced mass transit accessibility for residents, businesses and visitors.
  - 3. Protecting the ability of water-dependent industrial businesses along the corridor to grow by establishing regulations to ensure that residents understand that such businesses are encouraged in this area and that any noise, odors, vibrations, etc. generated by the businesses shall not be deemed a nuisance to any resident.

Although it is difficult to determine exactly how the provisions in the updated Comprehensive Plan will affect local regulations, the review of existing Zoning Ordinance language provided above demonstrates that several important aspects of

today's zoning are not consistent with the updated Plan. Perhaps the most obvious inconsistency is related to the significant presence of W-3 zoning in the area. This district, by design, discourages the type of regulatory flexibility that the updated Plan calls for in the Working Waterfront North. The W-3 district is exclusive and specialized in its language, which is geared to protect and foster industry specifically suited to port-based economies. The flexibility in land use allowances being called for in the updated Plan would require, at the very least, that any zoning language specifically requiring uses to be part of a "marine enterprise" be eliminated. More likely, the northern boundary of the existing W-3 district would need to be moved south to be coincident with the boundary of the proposed Jobs District. This shift in boundaries would then require the Working Waterfront North to be largely re-zoned in accordance with the Waterfront-Mixed Use/General land use designation.

The second significant inconsistency with today's zoning and the updated Plan involves the potential role of residential/hotel use in the district. Today's provisions significantly limit the types of residential use that can occur in the W-3 and M-2 districts and essentially prohibit any hotel or motel use. The language of the updated Plan calls for a land use designation that would "balance" commercial, residential and industrial uses in a manner that provides transition between the heavy port-based industries and downtown. As such, the land use table would need to be revised to allow for hotel uses and would also result in additional lands being opened to potential multi-family or mixed use residential development.

The Plan calls for the establishment of a set of regulatory criteria that could be used to balance potentially conflicting uses in this area. Although the document does not discuss these criteria in any detail, as is appropriate with a Comprehensive Plan document, these standards might include the use of site planning techniques used to obstruct unsightly views, the use of limitations on certain hours of operation, limitations on truck routes and travel frequency, noise impact mitigation techniques, advanced filtration technologies for air quality, and/or the use of private agreements to ensure a compatible relationship between uses.

### Waterfront Charrettes

From June 3 to June 7, 2008, the City hosted a series of charrettes to vet the interim Plan with local stakeholders as it related to the Working Waterfront North study area and the Port of Providence. These public meetings were designed to provide a forum for various experts and stakeholders to give presentations to any attendees, who could then provide their feedback and ask questions. Over the course of the four days, testimony and presentations were provided by local property/business owners, economic consultants, City/state officials and key maritime stakeholders from other communities such as Baltimore, MD, Boston, MA, and Portland, ME. During discussion and presentations, several important issues and concerns were raised by presenters and attendees that directly informed the recommendations provided in this report. These points include:



- Representatives from the ports of Baltimore, Boston and Portland all discussed the need to definitively separate residential and hotel use from working waterfront industrial areas based on years of experience;
- The Port of Providence is unique in the region as it contains a 40-foot deep dredged channel, which extends the length of the study area. The depth of this channel provides unique economic opportunities for the types of vessels that can utilize the port;
- The channel was recently dredged to mitigate impacts from shoaling. The approximate cost of re-dredging was 63 million dollars;
- The current industries in the port support significant numbers of jobs with salary and benefits packages in the range of \$60,000. These high paying blue collar jobs are increasingly difficult to provide in the urban environment;
- The existing and potential future storage capacity of this area for fuel products is a strategic advantage to Rhode Island and the region;
- The amount of residential units that would be required in the study area to generate the same number of jobs and the same levels of spending would be infeasible to build;
- The value associated with the storage of petroleum in today's energy/fuel economy likely outweighs the economic value of any so-called "highest and best use" assessment;
- Short-sea shipping represents a potentially viable solution for alleviating the need for the shipping of petroleum and freight via trucks; and
- The potential for residential or hotel use in waterfront industrial areas creates a sense of unpredictability that serves as a disincentive for new industrial development or the expansion of existing operations.

## II. ALTERNATE COMPREHENSIVE PLAN PROPOSAL

One of the primary objectives of this report is to provide language that could be incorporated into the Comprehensive Plan as amendments to the most recently adopted version in light of recent discussions at the Waterfront Charrettes and other findings. Based on the public process and studies performed to date, HW recommends a different approach to the study area from a land use perspective. Our proposal for the Comprehensive Plan involves two basic elements:

- Extend the existing Jobs District in a northerly fashion to include the study area; and
- Change the current designation from “Waterfront Mixed Use/General” to “Waterfront Mixed Use/Industrial” with related amendments to the policies associated with this area.

### Extending the Jobs District to Include the Study Area

Based on the materials and discussions presented at the charrette or as part of consultant reports, two essential strategies of land use planning are applicable to the Working Waterfront North. First, all presenters, property owners and City/state officials expressed a strong desire to protect the existing industries in this area and to provide opportunities for expansion. Second, presentations from other port stakeholders and supporting technical materials demonstrate that a clear separation between these industrial uses and residential development is necessary to protect those industries and provide opportunities for expansion. In Baltimore, for example, annual monitoring of their Mixed Industrial Zone Overlay District (MIZOD), which strategically prohibits residential use in the more industrial sectors, has shown steady increases in investment since the zoning was adopted (BDC, 2006).

The Jobs District that is used as an overlay in the Comprehensive Plan has identified, as its primary purpose, areas of the City where larger scale commercial, manufacturing, or industrial uses should be protected and encouraged. These areas are seen as critical to the ongoing economic health of the City and the region and therefore preservation of expansion opportunities is a paramount objective in these economic centers. It is important to note that the Jobs District spans a diverse set of neighborhoods throughout the City. The types of industry and manufacturing that are found today are therefore wide ranging. This delineation reinforces the notion that the overlay is not designed to identify specific allowable industrial uses. That responsibility is left to the underlying zoning districts and the marketplace. Rather, the overlay is designed to specifically address uses that should not occur by virtue of their ability to inhibit the type of economic growth best suited to these areas.

Based on the facts and concerns raised during the charrette process and the clear goals of the Jobs District, extending the Jobs District Overlay would effectively address these issues and resolve the seemingly inherent conflict with allowing residential uses in such close proximity to heavy industrial activities. The overlay is designed as a more



restrictive land use approach and would provide the separation of conflicting uses that were called for in three other east coast ports at the charrette. Although not included in the charrette, recent events in Seattle also reinforce the need for this type of separation as they have effectively eliminated residential and hotel use from their designated industrial districts. In their initial set of zoning protections, Seattle has placed restrictions on the allowable size of free-standing retail. Continued analyses and planning efforts will focus on the appropriate location of residential uses in these areas as, unlike the Working Waterfront North, Seattle has a high level of artist loft and live-work space on the fringes of industrial areas. Although their studies are in the early stages, the City recognizes the inherent conflicts between these uses and will likely look to enforce a stricter separation within their local zoning regulations (personal communication with Andrea Petzel, Seattle Department of Planning and Development).

#### Designation of the Study Area as “Waterfront Mixed Use/Industrial”

As discussed earlier in this report, the updated Comprehensive Plan includes a change in the land use map for the Working Waterfront North and re-designates the area as “Waterfront Mixed Use/General”. The essential objectives behind this district are to broaden the potential land use profile for the area while protecting the existing industries and facilitating their expansion. During the discussions and presentations within the public process, experts from other east coast ports explained that, although there may be limited opportunities to successfully integrate certain types of commercial use with heavier industrial activities, attempts to integrate residential or hotel uses into these environments have caused recurring problems. Efforts in other cities to use regulatory controls as a protective device for industry against nuisance claims have failed to instill a strong policy perspective in the surrounding neighborhoods and conflicts have remained a problem. So although the theory of compatibility between some industrial and residential uses on waterfronts may seem attractive from the perspective of economic flexibility, in practice, these goals have been difficult to balance.

To create a more flexible environment where a mix of uses may coexist in a complementary fashion, the City should consider a more selective approach to use allowances in the Working Waterfront North study area. The recommended approach is similar to what the City has proposed today in that it would allow for a wider variety of uses than what is allowed in the Port of Providence area and would develop a series of criteria to help establish compatibility with these uses. The essential difference between the updated Plan and the recommended approach would be to maintain the existing policy of precluding a wide variety of allowable residential uses and prohibiting hotel and motel uses altogether.

#### Proposed Comprehensive Plan Amendment Language

The preceding sections of this report provide the rationale behind amending the existing Comprehensive Plan and also describe the changes that should be considered by the City in a conceptual manner. Those sections of the Plan that were provided as excerpts are redrafted here to provide potential amendments that would be more consistent with the

recent public process and analyses associated with the study area. Amended or additional language is highlighted in **bold text** while deleted language is shown “~~strikethrough~~” format.

#### *Allens Avenue Corridor*

The area north of the Thurburs Avenue and south of the relocated I-195 along Allens Avenue is an industrial waterfront ~~in transition~~. Several water-dependent utility and energy-related businesses that are essential to the regional economy are located here, as well as important marine repair services. **The potential for expansion of industrial uses in this area is high and, based on the adjacent dredged deep water channel, the opportunities for a maritime economy that is unique to the region are also significant.** **Studies of this area have demonstrated the need to continue a strong industrial focus into the future based on the development of the deep water channel, the capacity of this area to provide high paying blue collar jobs, hazards posed to many other uses by potential storm surge, and emerging market trends in water dependent and fuel based economies.** ~~The land area reserved for industrial uses, however, is currently more extensive than the demand for heavy industrial, water-dependent uses and activities. There is an increasing demand for commercial and tourist-related development such as hotels, restaurants and retail uses in this area. On lands no longer needed exclusively for maritime purposes, new maritime mixed-use developments could provide improved and expanded commercial and recreational maritime facilities, open spaces, residences and public access combined with revenue-generating, water-oriented activities and attractions to increase the public's enjoyment of the waterfront. Inland areas, on the other side of Allens Avenue, could provide opportunities for residential and commercial uses, such as offices, neighborhood-oriented retail and service businesses, and community and cultural facilities.~~

The primary objective in this area is to ~~protect~~ **carefully balance future development with the need for existing** water-dependent and maritime related uses and to **facilitate their expansion through appropriate regulatory measures and other strategies.** ~~mitigate potential conflicts among the various uses. It will be critically important in this area to ensure that water dependent and industrial businesses are able to expand and flourish, while additional uses are introduced into this area. Particular strategies are needed to ensure that any potential residents understand that the common by-products of industrial uses such as noise, odor and vibration, shall not be deemed a nuisance in this area.~~

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#### **Table 11.1 Land Use Designations**

##### **Waterfront Mixed Use/~~General~~Industrial**

~~These areas are intended for a balanced mix of industrial, commercial and residential uses to serve as a transition between heavier port uses and downtown.~~ **to protect and provide incentives to expand existing industrial development along the waterfront that may or may not be directly associated with maritime enterprise.**

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#### **11.2.3 Business Areas**

It is vital for Providence to provide opportunities for industries and industrial expansion which will employ residents of Providence, while ensuring minimal impact on adjacent residential areas.



These areas are designated as Jobs Districts on Map 11.2 'Future Land Use'. Manufacturing land uses consist of land that is occupied by industries such as jewelry and assembly companies. Manufacturing uses are located throughout the City, with a number of industrial parks such as Huntington Industrial Park, Silver Spring Industrial Park, West River Industrial Park, and the industrial **areas of Washington Park and the Working Waterfront**. There has been a significant reduction in the amount of land occupied by industries in the last few decades. As manufacturing companies of all kinds generally employ large numbers of people and contribute to a diverse economic base, efforts will be made through this plan to encourage manufacturing firms to grow and expand in these areas. Businesses need areas where they can predictably grow and expand in the future without the concern of conflicts that often arise between manufacturing/industrial uses and residential uses. Therefore, no residential uses of any kind are permitted in the Jobs District or the Port of Providence.

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## **OBJECTIVE LU 10**

### **Business and Jobs**

Promote job growth and retention through appropriate land use controls.

#### **Strategies:**

- A. Regulate land use downtown to ensure its future as Rhode Island's preeminent center for business, tourism and entertainment.
- B. Ensure that land available after the I-195 relocation will support a significant number of jobs and generate taxes.
- C. Revise regulations to reinforce existing jobs districts and establish new districts that allow for business growth and the development of the city's tax base without conflicts with residential uses. Key jobs districts are designated on Map 11.2 'Future Land Use' and include:

Promenade

Industrial Parks: Huntington, West River, Silver Spring, Washington Park  
**and all industrial areas of the Port of Providence**

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## **OBJECTIVE W 1**

### **Planning for Narragansett Bay**

Protect the long-term viability and sustainability of Narragansett Bay as an economic, cultural and natural resource through the development of appropriate plans and regulations.

#### **Strategies:**

- A. Develop a unified waterfront plan for Narragansett Bay, based on the analysis and refinement of the principles proposed in the Providence 2020 study, that includes:
  - 1. Review of past planning studies for the City of Providence, such as the Old Harbor Plan and the Industrial Waterfront Plan, and of other port areas for best practices.

2. Assessment of the role the waterfront areas play in the overall economic development of the city **and the region**, including:
    - Economic viability of port use and development of various port use and development scenarios measured against the long term goals of sustaining maritime industrial use;
    - Means of ~~maximizing the use of land~~ **identifying the optimal use of land**, including an assessment of both existing and potential land uses, ~~including industrial, commercial, cultural, hotel and residential that are consistent with the goals of each land use category identified in the Map 11.2 'Future Land Use Map'.~~
  3. ~~Land Use percentage targets to ensure a balanced mix of uses while prioritizing maritime activities that are vital to the continued growth of the city's economy.~~ **Regulations that foster reinvestment in maritime uses where lands are adjacent to the dredged deep water channel and discourage real estate speculation that would erode the economic viability of these industrial lands for their intended use.**
  4. Types and locations of encouraged water-dependent/water-enhanced uses.
  5. Types and locations of uses that should be prohibited.
  6. Appropriate locations for non water-dependent uses.
  7. Areas best suited for wind/hydro power generation.
  8. Design objectives for mass, scale, building height, density, setbacks, public access to and along the waterfront (both physical and visual), open spaces, streetscape, preservation of significant historic and cultural resources, and specific strategies to minimize damage from flood hazards and events.
  9. Nodes of intensity to support mass transit access.
  10. Buffer strategies for industrial properties to ensure compatibility with less intense uses.
  11. Short, medium and long-term strategies to minimize impacts of new uses on existing uses.
- B. Develop a harbor management plan to address use of the water sheet, including marina and mooring field locations, no-wake zones and limits on commercial traffic on the Providence River north of the Hurricane Barrier, and on the Seekonk River.
- C. Update regulations to recognize the unique significance of waterfront property by:
1. Establishing criteria and standards for waterfront developments and development plan review.
  2. ~~Establishing criteria to balance water dependent and non water dependent uses along the waterfront, and mitigate the potential conflicts among various uses.~~ **Establishing criteria for developing non-residential non-water-dependent uses along the Working Waterfront, and mitigating the potential conflicts among various uses.**
  3. Including strategies to protect, restore and enhance the water quality of the Bay, such as urban-scaled Low Impact Development (LID) standards.
  4. Minimizing impacts of flood hazards and rising sea level by measures such as minimum freeboard elevations.
  5. Implementing the land use and design objectives of the unified waterfront plan for the Bay.
  6. Increasing opportunities for physical and visual public access to the waterfront **where appropriate**, both physical and visual, and where possible, create linkages to public parks and recreation facilities.

## OBJECTIVE W 4

### Business and Jobs

Promote the Narragansett Bay waterfront as an economic engine for the city.

#### Strategies:

- A. Encourage intensive use of the area designated as Waterfront/Port on Map 11.2 'Future Land Use' for water-dependent industrial businesses to take strategic advantage of the 40 feet deep-water channel.
  - B. Promote more extensive use of the existing free trade zone in the Port of Providence.
  - C. ~~Support development of a mixture of water dependent, water related and water enhanced uses in the areas designated Waterfront Mixed Use/General on Map 11.2 'Future Land Use'.~~ **Develop regulations that provide adequate criteria for allowing lower intensity non-residential uses in the area designated Waterfront Mixed Use/Industrial on Map 11.2 'Future Land Use'.**
  - D. Support development of businesses related to water-based tourism such as cruise ship terminals, marinas, hotels and restaurants **where appropriate.**
  - E. Support uses that provide jobs at a variety of skill levels.
- 

## OBJECTIVE W 5

### Housing

Ensure an active, vibrant waterfront by encouraging mixed-use developments with residential components in appropriate locations on the Narragansett Bay waterfront.

#### Strategies:

- A. Promote mixed-use developments as a transition between residential and non-residential areas along the Narragansett Bay waterfront.
  - B. Ensure that greenways and other open spaces located along the waterfront adjacent to residential uses are publicly accessible and do not appear to be for the private use of residents.
  - C. Ensure that residential development does not impede development and expansion of ~~maritime uses through the development of strategies such as location, buffering and deed restrictions that acknowledge the rights of commercial and industrial maritime businesses to continue to develop and expand. Residents in this area shall understand that noise, odors, vibrations, etc. generated by businesses shall not be deemed a nuisance.~~ **industrial, manufacturing, maritime or other heavy commercial uses in areas designated as Jobs Districts.**
  - D. Continue to oppose the development of a liquefied natural gas marine terminal in Providence as a significant hazard to existing residential neighborhoods in close proximity to the waterfront.
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## OBJECTIVE W 9

### Land Use

Encourage redevelopment of the Narragansett Bay Waterfront with a balanced mix of water and non-water dependent uses that builds on the value of deep water access and provides additional opportunities for economic development and public access to the water.

- B. Examine strategies for the redevelopment of the area designated as Waterfront Mixed Use/~~General~~ **Industrial** on Map 11.2 'Future Land Use' with a focus on maintaining the unique economic opportunities associated with existing development patterns and the deep channel port. Strategies could include:
  - 1. Supporting the development of commercially-oriented water dependent uses such as cruise ship/ferry passenger terminals that require deep water access and related support facilities.
  - ~~2. Establishing nodes of higher intensity along the Allens Avenue corridor to support enhanced mass transit accessibility for residents, businesses and visitors.~~
  - ~~3. Protecting the ability of water-dependent industrial businesses along the corridor to grow by establishing regulations to ensure that residents understand that such businesses are encouraged in this area and that any noise, odors, vibrations, etc. generated by the businesses shall not be deemed a nuisance to any resident.~~
  - 2. **Revising the allowable land uses in the Zoning Ordinance to better reflect a high priority for heavy industrial uses.**
  - 3. **Establishing approval criteria for the inclusion of lower intensity non-residential uses in the area.**
  - 4. **Using appropriate regulatory measures to preclude the establishment of residential and/or hotel use and to discourage the speculation of these lands for those purposes.**

### III. ZONING ORDINANCE LANGUAGE

Section 13 of the updated Comprehensive Plan discusses implementation measures and acknowledges that revisions to the Zoning Ordinance will be a centerpiece to these efforts. The following sections provide a detailed explanation of how the existing Zoning Ordinance could be amended to be consistent with the proposed amendments to the Plan.

#### Baseline Zoning Map Amendments

Based on the recommended amendments to the updated Comprehensive Plan language, it is important to consider how these amendments would eventually affect the language in today's Zoning Ordinance. The first consideration with any potential zoning amendment is whether to amend the Zoning Map with new districts or a reconfiguration of existing districts. In this case, the existing base zoning districts as they appear on the map satisfy many of the goals and planning objectives of the recommended Comprehensive Plan amendments. The current northward extent of the Port/Maritime Industrial (W-3) District follows alongside the 40-foot dredged channel and therefore takes advantage of the unique opportunities associated with this resource. Further, the location of the M-2 district on the west side of Allens Avenue and at the northern portion of the channel, where it is enclosed at the mouth of the river, respects the unique opportunities provided by the channel's geometry. The manner in which the M-2 district "wraps" around the W-3 District does provide for a more diverse industrial profile as the study area approaches the northern and western extremes defined by the highway.

#### Industrial/Manufacturing Overlay District

What is important to note relative to the mapping of zoning districts is that the adopted Jobs District in the updated Comprehensive Plan is not coincident with any single zoning district. The Jobs District includes a wide variety of non-residential zoning districts within its boundaries and, in many cases, it splits larger areas of a particular district such as the M-1, the C-4 or the D-2. This "overlay" approach to the Land Use Map suggests that a parallel approach would be recommended for the Zoning Ordinance and a new Overlay Zoning District would be established pursuant to the existing Section 101.7. The following language is therefore proposed for this overlay district:

##### Section 101.7 – Overlay Zoning Districts

*Add the following Subsection to establish a new overlay district.*

IMOD Industrial/Manufacturing Overlay District – This overlay zone is intended to provide heightened protection to those areas in the City where significant levels of commercial, manufacturing, or industrial activities take place. These areas represent unusual local and regional economic opportunities for high intensity uses due to established land use patterns and/or proximity to transportation infrastructure. Regulations imposed on these areas will be designed to facilitate new development, redevelopment and expansion of heavy commercial, manufacturing and industrial uses by limiting and, in some cases, eliminating the potential for incompatible uses.

## Section 103 – Official Zoning Map

*Add letter “D” as follows:*

- D) The boundary and regulating information where applicable, of the IM overlay zoning district, as defined, is hereby established as shown on a map on file in the office of the City Clerk entitled “City of Providence Official Overlay Zoning Maps – IMOD” dated [INSERT DATE] and adopted in accordance with Rhode Island General Laws (RIGL) Title 45 24.

Section 508. Heavy Industry and Manufacturing Overlay District: The Industrial Manufacturing Overlay District (IMOD) is hereby established in recognition of the unique economic opportunities provided by several neighborhoods in the City and the need to provide stability for the heavy commercial and industrial activities that take place in these neighborhoods. The IMOD requires stricter provisions relative to allowable uses to ensure that residential, general services, and other lighter uses are compatible with heavy commerce and industrial use.

508.1 Applicability – The IMOD applies to all lands within the overlay district as mapped by the City of Providence.

508.2 Allowable Uses – Unless otherwise specified in Sections 508.3 or 508.4 of this ordinance, allowable uses shall be governed by Article III Land Use Table.

508.3 Use Prohibitions – Pursuant to the goals of this overlay district, all primary residential use as identified in the Article III Land Use Table Section 1.0 shall be prohibited.

508.4 Use Restrictions – In addition to any other approval criteria listed in the Land Use Table or elsewhere in the Zoning Ordinance, the following uses shall be subject to IMOD Special Development Criteria pursuant to Section 508.5.

- (A) All uses allowed by right or by special use permit within Section 4.0 General Services of the Land Use Table; and
- (B) Uses allowed by right or through special use permit for land use codes 54 through 59 within Section 5.0 of the Land Use Table.

508.5 IMOD Special Development Criteria – The following development criteria shall be applied to those uses identified in Section 508.4 in order to minimize conflicts between heavy industrial uses and lighter non-residential uses that may be allowed in the IMOD. These criteria are specifically designed to ensure that appropriate site design and use considerations are used to protect existing industries and their ability to expand.

- (A) The proposed use shall be accessory to an existing or proposed industrial, manufacturing, or maritime dependent use;
- (B) Automobile access and egress for the site, including access for loading into these accessory uses, shall be located away from principal trucking routes in the district to the extent practicable;
- (C) Building entrances shall be located to allow access without requiring patrons and employees to cross industrial or manufacturing operating areas to the extent practicable; and
- (D) Parking areas and office work space shall be substantially screened from major trucking routes through the use of fencing and evergreen vegetation.



508.6 Plan Requirements for Special Development Criteria – Where development requires review in accordance with those criteria in Section 508.5, the following plans shall be provided:

- (A) Landscape Plan showing plant selection and location as well as fence height and materials for screened areas; and
- (B) Circulation Plan showing entrance and exits for automobiles as well as circulation patterns for patrons and employees into on-site buildings from parking areas and sidewalks.

### Amendments to Selected Base Zoning Provisions

The proposed IMOD would allow for the base zoning districts to remain delineated as they are today while simultaneously providing the desired protection for heavy industrial activities in these areas. This approach simultaneously addresses the City's broader goal of providing the same restrictions in other neighborhoods across and within multiple zoning districts. A citywide overlay is the most efficient manner in which to provide economic protections to industrial areas that do not necessarily follow discreet zoning district boundaries. However, it is important to consider that other opportunities do exist for the Working Waterfront North study area. Because these areas are dominated by M-2 and W-3 districts, and because these districts are unique to this part of the City, modifications to the base zoning provisions can provide further economic protection. Also, amendments to the base zoning provisions would provide greater consistency with the updated Plan and the proposed plan amendments in this report. The following table provides a series of proposed amendments to the Land Use Table. Land use categories that would not be changed for these two districts were simply omitted.

#### 1.0 Residential

Use Code	Use	W-3	M-2
14.1	Multi Family Dwelling	<del>Y</del> N	N
14.2	Live-Work Space-Low Intensity <sup>7</sup>	<del>Y</del> <sup>x</sup> N	<del>Y</del> N
14.3	Live-Work Space-High Intensity <sup>7</sup>	<del>Y</del> <sup>x</sup> N	<del>Y</del> N

#### IV. SUMMARY

Research into the recent comprehensive planning process initiated by the City demonstrates a need to consider revisions to the updated Plan. Information provided by representatives from other ports and overwhelming concerns voiced by stakeholders showed that a fundamental policy shift for the Working Waterfront North—one that would attempt to balance the presence of residential, hotel, commercial and heavy industrial use—would create a counter-productive situation. Studies of other major ports show that the introduction of “higher value” incompatible uses to these areas can have major impacts on daily operations, real estate values, and the desire to re-invest in existing industrial operations on the part of ownership. This report therefore provides a list of potential changes to the City’s updated Plan that would reflect a more industry-friendly approach. The amended goals and objectives provided in this report seek to capitalize on the unique physical characteristics, deep water infrastructure and regional opportunities associated with the Working Waterfront North.

In addition to proposed Plan amendments, the report also provides a series of potential Zoning Ordinance amendments that would make today’s Zoning Ordinance consistent with the amended Plan. Following with the City’s approach to the revised Future Land Use Map, which uses a protective overlay for significant industrial sites, amendments to the ordinance center around a new Industrial/Manufacturing Overlay District. The most important aspect of this district is the prohibition of residential use in these areas along with approval criteria for other, less intense non-residential uses.