



DEPARTMENT OF PLANNING & DEVELOPMENT  
MAYOR BRETT P. SMILEY

March 10, 2025

Rep. Stephen Casey, Chair  
Committee on Municipal Government and Housing  
R.I. House of Representatives  
82 Smith Street  
Providence, RI 02903

Re. House Bill 2025-H5799

Dear Chairman Casey and Members of the Committee:

I am writing to comment on House Bill H5799. In general, we favor the goal of this bill: to permit new development to be in keeping with the scale and density of the existing built environment. Providence has amended its zoning ordinance continually to move in this direction and recent changes in the Zoning Enabling Act regarding substandard lots and Modification have assisted in achieving this goal.

This bill essentially creates a new way of doing residential zoning in areas developed prior to modern zoning. Instead of residential dimensional standards being the clear guide to what is permitted on a property, the bill implies that there will be unique zoning for all properties when they are in the vicinity of nonconforming development. In a city like Providence, this would encompass most residentially zoned properties. The proposed approach will require a lot more work for property owners and for zoning officials to determine exactly what is allowed on a given parcel. It will also result in a lack of clarity and predictability about what is allowed in a given situation. Instead of a clear number, one will have to consult with a planning expert to reveal each dimensional standard. That said, we do not object to this method being used for lot size, as long as there is a floor to the resulting lot size.

Given these reservations, we have the following suggestions:

- The amended language in section 45-23-32(48)(ii) regarding oversized subdivisions should be refined for clarity. We suggest the following, "Subdivisions of existing lots, including lots which were legally merged or replatted, which result in the creation of a vacant lot or lots for residential use which are equal to or greater in lot area than the area of fifty percent (50%) of the residential lots within two hundred feet (200') of the subject lot(s) proposed for subdivision..."
- In section 45-24-46(c)(1), we question using the mean dimensions of the comparable existing built environment. Using the average might be a better approach, but we would need to study this. We also suggest that using the existing built environment should apply to lot size only, and there should be a lower limit to what lots sizes could result. For a city like Providence, we suggest 3,000 sf as the minimum lot size. As for setbacks, frontage, width, and lot coverage, they

are already relaxed by the provisions of section 45-24-38(b). Height would still be eligible for a 15% modification. We would be concerned about anything more than what is currently allowed for these standards, especially on the very small lots this amendment would permit.

- For consistency, in section 45-24-46(c)(4), the term “infill modification” should be replaced with “NCBM” as defined in 45-24-46(c).

Thank you for the opportunity to comment on the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Azar", with a stylized flourish at the end.

Robert E. Azar, AICP  
Deputy Director