

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 1993-55

No. 851

**AN ORDINANCE** IN AMENDMENT OF CHAPTER 564 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED OCTOBER 24, 1991 BY AMENDING PROVIDENCE ZONING DISTRICT MAP NUMBER 10 BY CHANGING THE ZONING DISTRICT DESIGNATION OF LOT 391 FROM OPEN SPACE DISTRICT ZONE (O.S.) TO "TWO FAMILY-DISTRICT ZONE" (R-2).

Approved December 27, 1993

*Be it ordained by the City of Providence:*

SECTION 1. Chapter 564 of the Ordinances of the City of Providence entitled "The City of Providence Zoning Ordinance" approved October 24, 1991 is amended by altering Providence Zoning District Map Number 10 of the official Zoning Map by changing the zoning district designation of Lot 391 from Open Space District Zone (O.S.) to "Two Family-District Zone" (R-2).

SECTION 2. This Ordinance shall take effect upon passage.

IN CITY COUNCIL

DEC 2 1993

FIRST READING  
READ AND PASSED

*Michael L. Clement* CLERK

IN CITY  
COUNCIL

DEC 16 1993

FINAL READING  
READ AND PASSED

*Emeline V. Fargnoli*  
CITY PRESIDENT  
*Michael L. Clement*  
CLERK

**APPROVED**

DEC 27 1993

*Vincent A. Cianci*  
MAYOR

11/10/93

COMM  
11/10/93

**THE COMMITTEE ON**

ORDINANCES

Recommends

Barbara A. Fairer  
7/13/93 P.H. Clerk

**THE COMMITTEE ON**

ORDINANCES

Recommends

Barbara A. Fairer Continued  
8/11/93 Clerk  
8/24/93  
11/10/93

**THE COMMITTEE ON**

ORDINANCES

Approves Passage of  
The Within Ordinance

Barbara A. Fairer  
11/17/93 Chairman  
Clerk

CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

\*1114C\*

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

RECEIVED  
CITY CLERK  
APR 2 1993

That the zoning ordinances of the City of Providence be amended and corrected to change Lot 391 on Assessors Plat 10 (4 Wheaton Street) from an "Open Space District Zone" (O.S.) to a "Two Family District Zone" (R-2).

As reasons therefore the undersigned submits that said parcel has been owned by the undersigned since 1973 during which time it was zoned as R-2 space. Said parcel was (inadvertently included among Parks Department Land (note, the parcel is adjacent to Parks Department Land but is privately owned) and reclassified as O.S. Space as part of a re-zoning of Parks Department owned land in the city during 1991.

The undersigned respectful requests that said parcel be reclassified from O.S. Space to R-2 Space and for such additional relief as the honorable city council shall deem just and reasonable.

Respectfully submitted

Andrew H. Davis, Jr., as  
Co-Trustee of Linda R.  
Jones Trust, Owner of  
record of Lot 391,  
Plat 10, 4 Wheaton  
Street  
by:

*Andrew W. Davis*  
ANDREW W. DAVIS  
as its attorney  
Davis, Kilmarx, Swan &  
Kohlenberg  
1420 Hospital Trust Tower  
Providence, RI 02903

4/2/93

DEPARTMENT OF CITY CLERK  
**RECEIVED**  
  
APR 2 1993  
*Michael R. Clement*  
CITY CLERK OF PROVIDENCE

*Zoning Change - O.S. to R-2  
Andrew W. Davis  
CK # 20446  
amt. \$150.00  
Hospital Trust*

*From the Clerk's Desk*

*Michael S. Bennett*  
CLERK

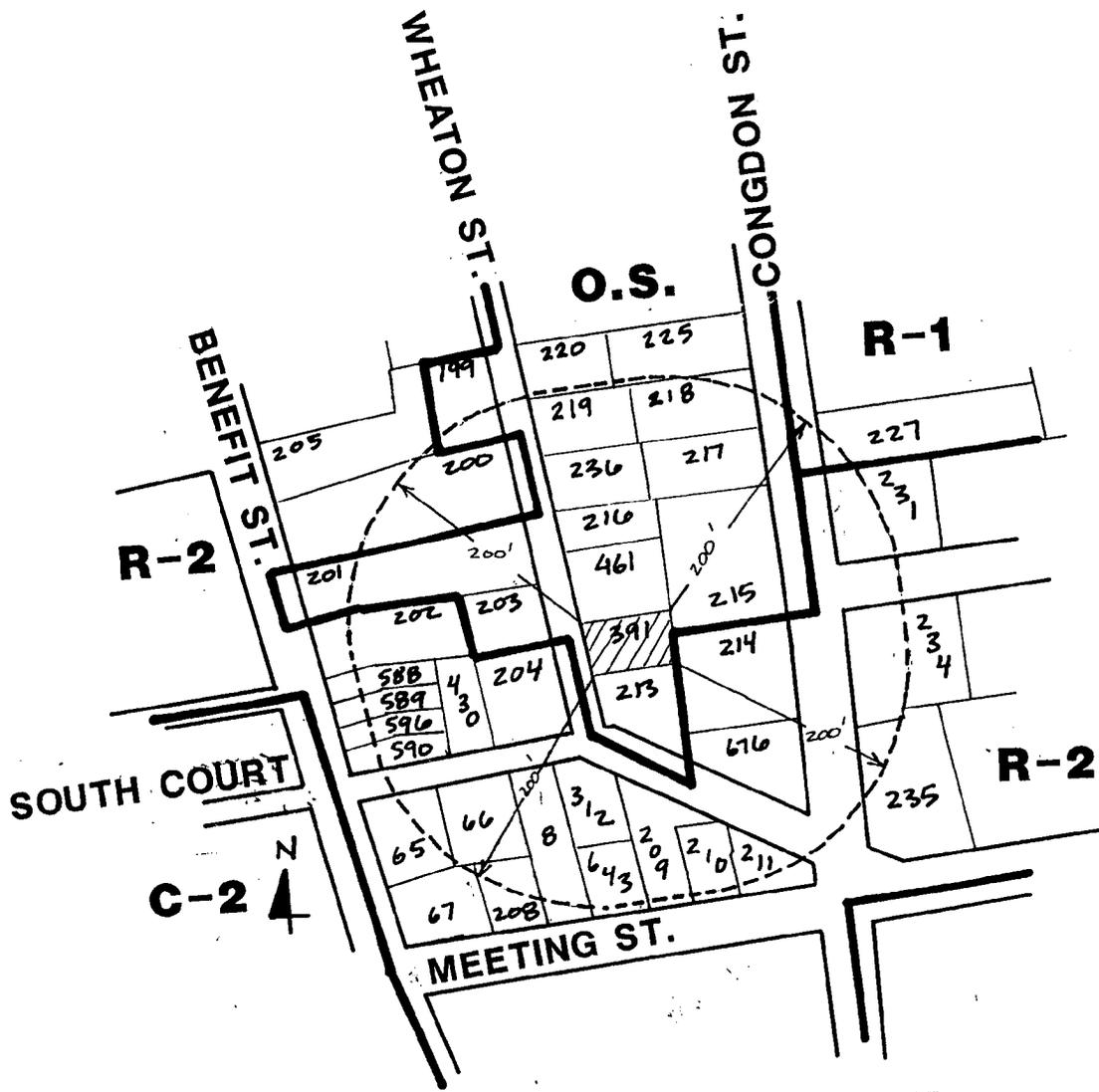
IN CITY COUNCIL  
ADD 1<sup>st</sup>  
FIRST READING  
REFERRED TO COMMITTEE ON

ORDINANCES

APR 5 1993

APR 2 9 32 AM '93  
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

FILED



CHANGE FROM O.S. R-2

*Part to Sample 1*  
*12/11*

ALL PLAT 10

CHANGE FROM O.S. FROM R2

Lots

~~1188~~

✓ 199 ✓

✓ 205 ✓

✓ 200 ✓

✓ 201 ✓

✓ 202 ✓

✓ 203 ✓

✓ 204 ✓

220 ✓

225 ✓

219

Page 2

owner/addresses

~~Harry A. Schuit  
129 Benefit St.  
Providence, RI 02903~~

City of Providence

1 -- Bishnu J. & Nila Rauth  
460 Ocean Road  
Narragansett, RI 02882

✓ 2 -- Hani M. Zake  
Osama E. Sarhan  
129 Benefit Street  
Providence, RI 02903

7 3 -- ~~Albert J. Beni  
Theodore Weiswasser  
32371 Dequindre Road  
Madison Heights~~ *129 Benefit St  
Prov. RI. 02903*

✓ 4 -- Robert J. & Joanne Macmillan  
51 Cove Side Ct.  
Warwick, RI 02818

Timothy T. & Rebecca S. More  
15 Westminster Street  
Providence, RI 02903

City of Providence

1 -- One Forty Seven Benefit Assoc.  
1500 Fleet Center  
Providence, RI 02903

2, 3, A, B (same as above)

City of Providence  
Parks Dept.

Sophie Mulligan  
1200 Johnston Road  
Dade County, FL

City of Providence, City Hall

City of Providence, City Hall

~~City of Providence, City Hall~~

*Handwritten signature*

218 ✓ City of Providence, City Hall

217 ✓ City of Providence, City Hall

236 ✓ City of Providence, City Hall

216 ✓ City of Providence, City Hall

215 City of Providence, City Hall

✓ 231 ✓ Rathbun Corp  
2 Cushing Street  
Providence, RI 02906

✓ 234 ✓ William S. and Lynn F. Berman  
43 Congdon Street  
Providence, RI 02906

✓ 235 ✓ R.I. Hospital Trust Bank  
15 Westminster Street  
Providence, RI 02903

✓ 213 ✓ City of Providence, City Hall

✓ 211 ✓ N & R Holding Co.  
420 Broadway  
Providence, RI 02909

✓ 210 ✓ Capital Center Assoc.  
8 Westwood Lane  
Barrington, RI 02806

209 ✓ (same as above)

✓ 461 ✓ City of Providence, City Hall

✓ 391 ✓ Van Liew Trust Co.  
1420 Hospital Trust National Bank  
Providence, RI 02903  
(trustee -- Andrew H. Davis, Jr.)

✓ 676 ✓ Robert B & Susan Clendenen  
348 Ocean Road  
Narragansett, RI 02882

✓ 605 ~~Lorenzo Leasing Corp.  
18 Banks Street  
Cambridge, MA 02138~~

✓ 214 ✓ Barry Wald Fain  
48 Congdon St.  
Providence, RI 02906

✓ 600

~~Jean R. McDonough  
37 Perry Lane  
Barrington, RI 02806~~

✓ 368

~~Court Company Inc.  
182 Gano Street  
Providence, RI 02906~~

✓ 379

~~Hillside Realty Co.  
185 Benefit Street  
Providence, RI 02904~~

✓ 643 ✓

Capital Center Assoc.  
8 Westwood Lane  
Barrington, RI 02806

✓ 312 ✓

Andre C. Martins  
40 Carrington Avenue  
Providence, RI 02906

✓ 8 ✓

Benjamin Weiss  
12 Silver Spring St.  
Providence, RI 02904

✓ 208 ✓

Sixty Three Realty Co.  
90 Lexington Avenue  
Cranston, RI 02920

66 ✓

(same as above)

65 ✓

(same as above)

67 ✓

(same as above)

✓ 76

~~RISD  
two College St.  
Providence, RI 02903~~

✓ 80

~~State of RI  
Providence~~ DEPT OF Administration / Director  
Capital Hill

✓ 81

~~One Hundred Forty Four Benefit St.  
SSOC  
170 Brown Street  
Providence, RI 02906~~

✓ 82

~~Eugene F. and Lucy Tortorasi  
34 No. Lake Drive  
Barrington, RI 02806~~

✓ 588 ✓

W Scott Corbett  
149 Benefit Street  
Providence, RI 02903

✓ 589 ✓

Thomas D. Mulligan  
Sophie F. Clavette  
151 Benefit St.  
Providence, RI 02903

✓ 596 ✓

☞ Harry M. and Eleanor A. Callahan  
145 15th St., NE #42  
Atlanta, GA 30361

✓ 590 ✓

☞ Ronald A. Dwight  
1200 Johnston Road #84  
Dade County, FL

430 ✓

(same as above)

Section  
1.

Chapter 564 of The Ordinances of The City of Providence entitled "The City of Providence Zoning Ordinance" approved October 24, 1991 is amended by altering Providence Zoning District Map Number 10 of The official Zoning Map ~~10~~ by changing The zoning district designation of ~~Zoning District~~ ~~designated by~~ Lot 391 from Open Space District Zone (O.S.) to "Two-Family District Zone (R-2).

Section  
2

Effective date

CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

\*1114C\*

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

IN CITY COUNCIL

RECEIVED TO COMMITTEE ON  
APRIL 2 1993

CLERK

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Respectfully submitted

Andrew H. Davis, Jr., as  
Co-Trustee of Linda R.  
Jones Trust, Owner of  
record of Lot 391,  
Plat 10, 4 Wheaton  
Street  
by:

*Andrew W. Davis*  
ANDREW W. DAVIS  
as its attorney  
Davis, Kilmarx, Swan &  
Kohlenberg  
1420 Hospital Trust Tower  
Providence, RI 02903

4/2/93

DEPARTMENT OF CITY CLERK  
**RECEIVED**  
  
APR 2 1993  
*Michael R. Clement*  
CITY CLERK OF PROVIDENCE

*Zoning Change - O.S. to R-2  
Andrew W. Davis  
CK # 20446  
amt. \$150.00  
Hospital Trust*

In Amendment of  
Chapter 564 of the Ordinances of the  
City of Providence entitled "The City of  
Providence Zoning Ordinance." App'd  
October 24, 1991 by ~~amending said~~  
~~Zoning Map by changing the Zoning~~  
by amending Providence Zoning District  
Map Number 410 by changing the  
Zoning District Designation of Lot 391  
from Open Space District Zone (O.S.) to  
Two Family - District Zone "(R-2.)"

✓  
Plat?  
= District  
Zoning  
Map  
01  
Zoning  
District

✓  
Don't  
forget  
maps for  
all  
entries

NANCY L. DERRIG  
SUPERINTENDENT OF PARKS



VINCENT A. CIANCI, JR.  
MAYOR

Department of Public Parks  
*"Building Pride In Providence"*

July 12, 1993

The Honorable Members  
City Council Committee on Ordinances  
Office of the City Clerk  
City Hall  
Providence, Rhode Island 02903

RE: Proposed Amendment to Zoning Ordinance and  
Zoning District Map #10/Proposed Change of  
Zoning District designation of Lot 391 from  
Open Space (OS) to Two-Family (R-2)

Honorable Members:

The Parks Department respectfully opposes the proposed zoning change for Lot 391 from Open Space (OS) to Two-Family (R-2).

This is a privately owned lot that is bordered on two sides by land (Lot Nos. 461 and 213) which is owned by the Parks Department. All three lots are directly below Prospect Terrace and are zoned Open Space in order to preserve the character of the Roger Williams Memorial located in Prospect Terrace. If Lot 391 is re-zoned to R-2 and is developed for residential purposes, it will permanently alter the character of one of the most historic public spaces in Providence.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy L. Derrig".

NANCY L. DERRIG  
Superintendent of Parks

nld/RFM:rh

RATHBUN CORPORATION

Two Cushing Street  
Providence, Rhode Island 02906

July 20, 1993

Councilman David V. Igliazzi, Chairman  
Committee on Ordinances of the City Council  
City Hall  
Providence, Rhode Island 02903

Dear Councilman Igliazzi:

I am writing with further reference to the hearing and comments regarding the proposed amendment to Providence Zoning District Map Number 10 changing the designation of Lot 391 from Open Space(O.S.) to "Two Family District Zone" (R2). We would like to record our opposition to this change and reiterate our position of last February when similar redesignation was proposed for two city-owned lots on Wheaton Street. (Refer my letter of 2/16/93).

Wherever possible the limited open space in the City must be preserved. It is particularly important in this instance where the lots are within the outlook from the recently improved Prospect Terrace and adjacent to the more recently landscaped Lower Prospect Terrace.

Long range planning should be directed toward consolidating and enhancing adjacent open space in this area with property already in "park" status for such time as funding becomes available.

Thank you for your consideration.

Sincerely yours,



Edith N. Rathbun  
President

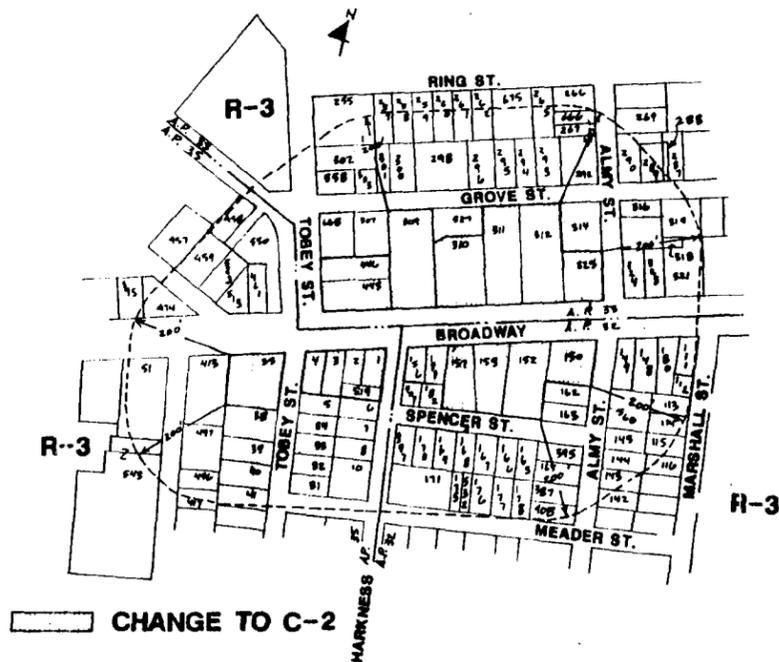
ENR:vh

cc: Mr. Barry W. Fain

**CITY OF PROVIDENCE  
RHODE ISLAND  
Committee on Ordinances of the City Council  
PUBLIC HEARING**

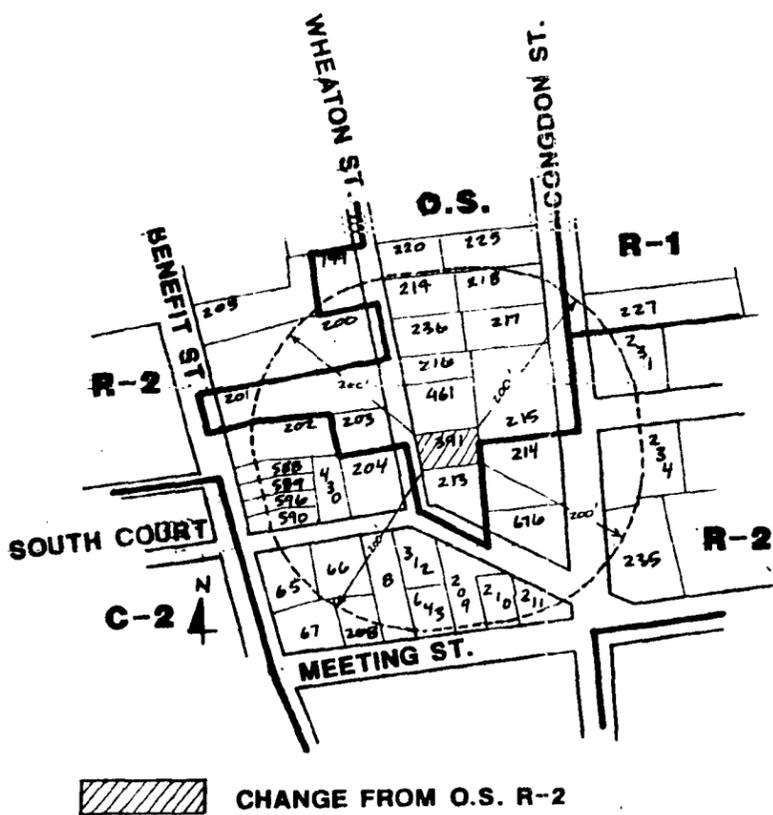
Notice is given pursuant to Rhode Island General Laws 45-24-53 that a Public Hearing will be held in the Chamber of the City Council, City Hall, 3rd Floor, Providence, R.I. on Tuesday, July 13, 1993 beginning at 6:00 o'clock P.M. The purpose of the Public Hearing is to consider the proposed Ordinances to amend the Zoning Ordinance and the Official Zoning Map, as summarized here, and, in those instances where required depicted on the maps shown below.

An Ordinance in amendment of Chapter 564 of the Ordinances of The City of Providence, entitled "The City of Providence Zoning Ordinance" approved October 24, 1991 by amending the Providence Official Zoning Map by changing the Zoning District designation of Zoning District Map Number 32, Lots 150, 152, 155, 157, 197 and 156; Zoning District Map Number 33 Lots 309, 310, 311, 312, 325, 445, and 446; and Zoning District Map 35 Lots 1, 2, 3, 4, and 35 from R-3 to C-2.



WLD  
~

An Ordinance in amendment of Chapter 564 of the Ordinances of The City of Providence, entitled "The City of Providence Zoning Ordinance" approved October 24, 1991 by amending Providence Zoning District Map Number 10 by changing the Zoning District designation of Lot 391 from Open Space District Zone (O.S.) to "Two Family-District Zone" (R-2).

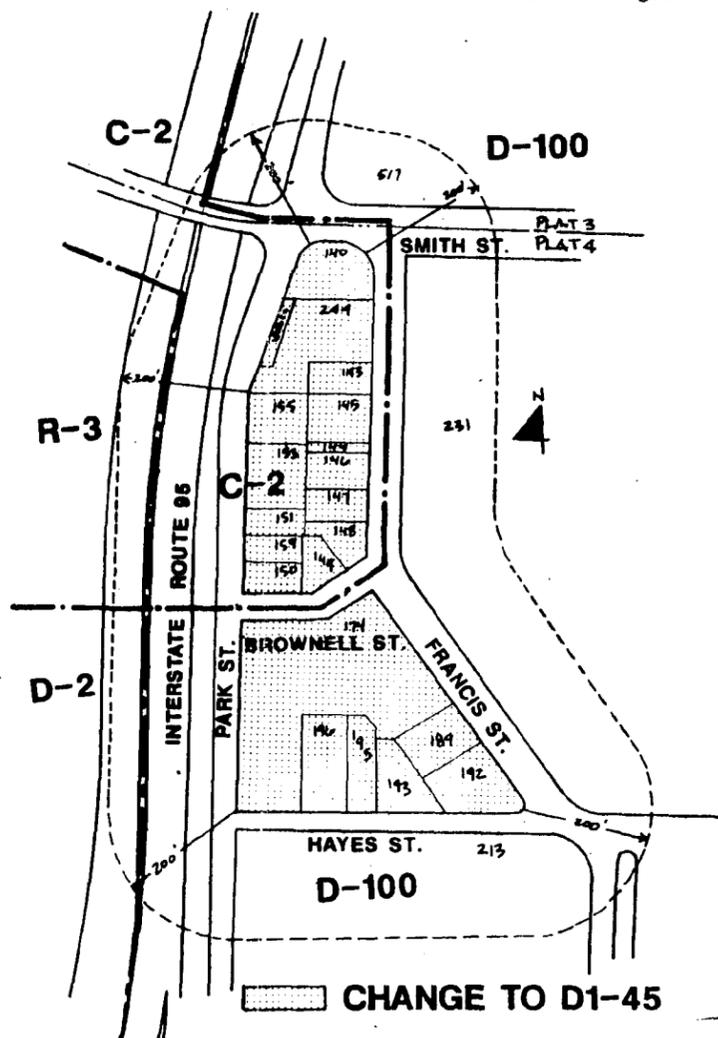


Complete copies of the proposed Ordinances, the City of Providence Zoning Ordinance, dated October 24, 1991 and the "Providence Zoning District Map," dated April 26, 1991 may be examined and copied, at cost in the Office of the City Clerk, City Hall, Providence, Rhode Island, on Mondays through Fridays from 8:30 o'clock A.M. to 4:00 o'clock P.M. The proposed Ordinances may be modified or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any modification or amendment will be presented for comment in the course of the hearing.

All persons interested in the above are respectfully requested to be present at that time and place to be heard thereon. Facilities are accessible to people with disabilities. If you are in need of interpreter services for the hearing impaired, please contact the Mayor's Citizens Assistance Office at 751-0203 (TDD) not less than 48 hours in advance of the hearing date.

PER ORDER THE COMMITTEE ON ORDINANCES  
COUNCILMAN DAVID V. IGLIOZZI, CHAIRMAN  
COUNCILWOMAN RITA M. WILLIAMS, VICE-CHAIRWOMAN  
COUNCILMAN ROBERT M. CLARKIN  
COUNCILWOMAN JOSEPHINE DIRUZZO  
COUNCILMAN JOSHUA N. FENTON  
MICHAEL R. CLEMENT, CITY CLERK

An Ordinance in amendment of Chapter 564 of the Ordinances of The City of Providence, entitled "The City of Providence Zoning Ordinance" approved October 24, 1991 by amending Providence Zoning District Map Number 4 of the Official Zoning Map by changing the Zoning District Designation of Lots 140, 244, 143, 144, 145, 146, 147, 148, 149, 150, 159, 151, 153, 155 and 245 from C-2 to D-1 and other changes.



# DAVIS, KILMARX, SWAN & KOHLENBERG

ONE HOSPITAL TRUST PLAZA  
PROVIDENCE, RHODE ISLAND 02903

ERNEST A. JENCKES (1898-1982)  
ANDREW H. DAVIS, JR  
ROBERT D. KILMARX  
HENRY M. SWAN  
A. MAX KOHLENBERG  
ANDREW W. DAVIS

LAW OFFICES  
INCORPORATED  
FOURTEENTH FLOOR  
TELEPHONE 401/273-9000  
TELECOPIER 401/273-9724

July 22, 1993

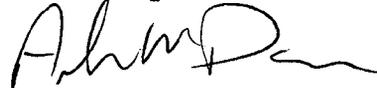
Mr. David V. Igliazzi  
Councilman  
Committee of Ordinances  
Providence City Hall  
Room 311  
25 Dorrance Street  
Providence, RI 02903

RE: PLAT 10 LOT 391-4 WHEATON STREET, PROVIDENCE, RI  
OWNED BY LINDA R. JONES TRUST ("THE WHEATON STREET  
PROPERTY")

Dear Mr. Igliazzi:

As you may recall we spoke some time ago regarding the above referenced lot and the inadvertant classification of of said lot as so-called "OS" space. I have been informed that a public hearing on the above referenced zoning petition was held on July 13 and that the petition is now in committee. We are presently negotiating for the sale of said property and it is imperative that the property be reclassified back to "R2" property. With this in mind I would ask if you would kindly take whatever steps you can, to expedite the requested zoning change. Thank you for your time and consideration to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,



Andrew W. Davis

AWD/mbs

RATHBUN CORPORATION

Two Cushing Street  
Providence, Rhode Island 02906

July 20, 1993

Councilman David V. Igliazzi, Chairman  
Committee on Ordinances of the City Council  
City Hall  
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Edith N. Rathbun  
President

ENR:vh

cc: Mr. Barry W. Fain