

CHAPTER 2014-30

No. 351

AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED, TO CHANGE USE REGULATIONS OF THE W-3 AND M-2 ZONES AND TO CHANGE APPENDIX A, TO PROTECT INDUSTRIAL AND WORKING WATERFRONT USES

Approved July 24, 2014

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is hereby further amended by changing the following text in Article III and Appendix A (the text to be removed is crossed out; the new text is underlined):

A. The use table in Section 303 is amended as follows:

1.0 RESIDENTIAL

Use Code	Use	W-3	M-2
14.1	Residential Mixed Use	N	N
14.2	Live-Work Space-Low Intensity ⁷	N	N
14.3	Live-Work Space-High Intensity ⁷	N	N

2.0 INSTITUTIONAL AND GOVERNMENTAL SERVICES

Use Code	Use	W-3	M-2
26	Day Care – Family Day Care Home	N	N
26.1	Day Care – Day Care Center, up to 8 people receiving day care	N	N
26.2	Day Care-Day Care Center, 9 to 12 people receiving day care	N	N
26.3	Day Care – Day Care Center, more than 12 people receiving day care	N	N
28	Cemetery	N	N

3.0 CULTURAL, ENTERTAINMENT AND RECREATION SERVICES

Use Code	Use	W-3	M-2
31	Non-Profit Library, Museum and Art Gallery	N	N
32	Spectator Assembly	N	N
32.2	Mini Cinema	N	N
33	Outdoor Recreation Facility	N	N
33.1	Golf Course, Tennis Court, Country Club	N	N
33.2	Marina, Recreational Craft only	N	N
33.3	Transient Amusement	N	N
33.4	Outdoor Amusement	N	N
34	Indoor Sports Facility	N	N

4.0 GENERAL SERVICES

Use Code	Use	W-3	M-2
43	Limited Business Service	Y ²	Y

FOOTNOTES:

6. Such uses shall be permitted when supporting art related uses of Live-Work Space and Arts and Crafts Manufacturing in designated historic buildings. If this criteria is met, Footnote 2 does not apply. [Ord. 2006-21]

5.0 TRADE

Use Code	Use	W-3	M-2
56.2	Drinking Establishment - Bar or Tavern	N	N
57.1	Eating and/or Drinking Establishments excluding Entertainment, more than 2,500 sq. ft. GFA ⁴	N	N

6.0 TRANSPORTATION, COMMUNICATION AND UTILITIES

Use Code	Use	W-3	M-2
65.2	Broadcasting Studio - Radio and Television	N	N

7.0 – 8.0 MANUFACTURING

Use Code	Use	W-3	M-2
70	Food and Kindred Products Manufacturing Including Canning and/or Packaging	Y ²	Y
72	Lumber and Wood Products	Y ²	Y
80	Machinery/Machine Parts Manufacturing	Y ²	Y
81	Transportation Equipment Manufacturing	Y ²	Y
82	Ship and Boat Building and Repairing	Y ²	Y
83	Precision Instrument and Scientific Equipment Manufacturing	Y ²	Y
85	Arts and Crafts Manufacturing	Y ⁵	N

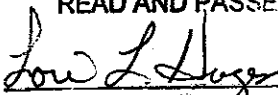
FOOTNOTES:



2. Provided that such uses are part of a marine enterprise or are dependent on access to the Port of Providence.
4. Arts and crafts manufacturing may be combined with Live-Work Spaces. See Use Code 14.2 and 14.3.
5. These uses shall only be permitted in a designated historic building.

B. Appendix A is amended as follows:

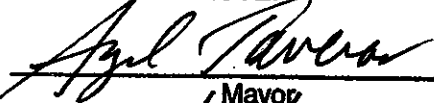
- 53 Bulk Storage of Petroleum Products More than 10,000 Gallons
Storage of heating oil, diesel oil, kerosene, gasoline and similar products, and including storage of products derived from petroleum, including flooring material, paving, and roofing materials.

SECTION 2. This Ordinance shall take effect upon passage and publication as prescribed by law.

IN CITY COUNCIL
JUL 02 2014
FIRST READING
READ AND PASSED
 CLERK
ACTING

IN CITY
COUNCIL
JUL 17 2014
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK
ACTING

I HEREBY APPROVE.


Mayor
Date: 7/24/14

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

RECEIVED
CITY OF PROVIDENCE
JAN 14 2015

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

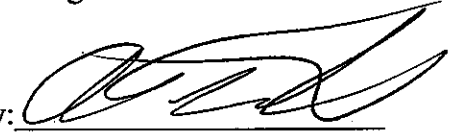
The undersigned Providence Working Waterfront Alliance respectfully petitions your honorable body to amend the Official Zoning Ordinance of the City of Providence by changing the text of Section 303, the Use Table, W-3 and M-2 Zones only, and the text of Appendix A, to protect the industrial and working waterfront uses, as set forth on the attached draft ordinance.

This Honorable City Council previously amended the Comprehensive Plan so as to protect the Providence working waterfront and the heavy industry along the length of Allens Avenue. Now the undersigned respectfully seeks the final step of such protection, to amend the Zoning Ordinance in order to fully implement this portion of the Comprehensive Plan. This will provide certainty to the maritime and industrial use owners, and will help to continue the reinvestment in the working waterfront and the continued creation of new jobs.

In an effort to ensure maximum consistency with the Comprehensive Plan and the City's ongoing rezoning efforts, and with the cooperation and flexibility of the Department of Planning and Development and the City Plan Commission, your petitioner has already submitted this proposal to the City Plan Commission and it has already recommended approval, as set forth in the letter of February 10, 2014, a copy of which is also attached.

Respectfully submitted,

Providence Working Waterfront Alliance

By its attorney: 
Andrew M. Teitz, Esq., AICP
Ursillo, Teitz & Ritch, Ltd.
2 Williams Street
Providence, RI 02903
401-331-2222
zoning@utrlaw.com

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 JUNE 27, 1994, AS AMENDED, TO CHANGE USE REGULATIONS OF THE W-3 AND M-2 ZONES AND TO CHANGE APPENDIX A, TO PROTECT INDUSTRIAL AND WORKING WATERFRONT USES.

Approved

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is hereby further amended by changing the following text in Article III and Appendix A (the text to be removed is crossed out; the new text is underlined):

A. The use table in Section 303 is amended as follows:

1.0 RESIDENTIAL

Use Code	Use	W-3	M-2
14.1	Residential Mixed Use	Y <u>N</u>	N
14.2	Live-Work Space-Low Intensity ⁷	Y ^{8,9} <u>N</u>	Y <u>N</u>
14.3	Live-Work Space-High Intensity ⁷	Y ^{8,9} <u>N</u>	Y <u>N</u>

2.0 INSTITUTIONAL AND GOVERNMENTAL SERVICES

Use Code	Use	W-3	M-2
26	Day Care – Family Day Care Home	Y <u>N</u>	N
26.1	Day Care – Day Care Center, up to 8 people receiving day care	Y <u>N</u>	N
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28	Cemetery	N	Y <u>N</u>

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32	Spectator Assembly	S ¹ <u>N</u>	Y <u>N</u>
32.2	Mini Cinema	S ¹ <u>N</u>	S <u>N</u>
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34	Indoor Sports Facility	N	S <u>N</u>

4.0 GENERAL SERVICES

Use Code	Use	W-3	M-2
43	Limited Business Service	Y ^{2,6}	Y

FOOTNOTES:

6. Such uses shall be permitted when supporting art related uses of Live-Work Space and Arts and Crafts Manufacturing in designated historic buildings. If this criteria is met, Footnote 2 does not apply. [Ord. 2006-21]

5.0 TRADE

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80	Machinery/Machine Parts Manufacturing	N Y ²	Y
81	Transportation Equipment Manufacturing	N Y ²	Y
82	Ship and Boat Building and Repairing	N Y ²	Y
83	Precision Instrument and Scientific Equipment Manufacturing	N Y ²	Y
85	Arts and Crafts Manufacturing	Y ^{4,5}	Y ⁴ N

FOOTNOTES:

2. Provided that such uses are part of a marine enterprise or are dependent on access to the Port of Providence.
4. Arts and crafts manufacturing may be combined with Live-Work Spaces. See Use Code 14.2 and 14.3.
5. These uses shall only be permitted in a designated historic building.

B. Appendix A is amended as follows:

- 53 Bulk Storage of Petroleum Products More than 10,000 Gallons
Storage of heating oil, and diesel oil, not including kerosene, gasoline and similar products, and including storage of products derived from petroleum, including flooring material, paving, and roofing materials

SECTION 2. This Ordinance shall take effect upon passage and publication as prescribed by law.



City Plan Commission

Angel Taveras, Mayor

February 10, 2014

Councilman Seth Yurdin
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Anna Stetson, City Clerk

Re: Referral 3372-Petition to amend zoning ordinance pertaining to uses in the W-3 and M-2 zones

Petitioner: Working Waterfront Alliance

Dear Councilman Yurdin:

At a regular meeting of the City Plan Commission (CPC) on January 28, 2014, the CPC reviewed the proposed zoning change. The intent of the change is to prohibit certain uses along the Waterfront and bring the zoning ordinance into conformance with the comprehensive plan. The amendment will also amend the definition of bulk storage of petroleum products in Appendix A. The CPC voted as described below to make certain findings of fact and to recommend that the petition be approved.

FINDINGS OF FACT

Consistency with the Comprehensive Plan

The CPC found the amendment to conform to the following objectives of Providence Tomorrow: The Comprehensive Plan:

- Business and Jobs Objective BJ 1: Expand economic opportunity and the City's economic base by focusing efforts on retaining existing businesses and attracting new businesses.
- Land Use Objective LU 5: Protect areas for jobs.
- Waterfront Objective W 1: 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.
- Waterfront Objective W 4: Promote the Narragansett Bay Waterfront as an economic engine for the city.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

The CPC found that prohibition of certain uses would enhance the industrial nature of the waterfront and promote economic development.

Consistency with the Zoning Ordinance

The CPC found the proposed amendment to conform to the following objectives of Section 100 of the Zoning Ordinance:

1. Providing for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs.
2. Providing for orderly growth and development which recognizes:
 - i. The goals and patterns of land use contained in the Comprehensive Plan as defined;
The natural characteristics of the land, including, but not necessarily limited to, its suitability for use based on topography, potential surface water run-off and susceptibility to surface or groundwater pollution;
 - ii. The values and dynamic nature of coastal features, riverfronts, freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - iii. The values of unique or valuable natural resources and features;
 - iv. The availability and capacity of existing and planned public and/or private services and facilities;
 - v. The need to shape urban development; and
 - vi. The use of innovative development regulations and techniques.
3. Promoting implementation of the Comprehensive Plan, as it may be amended from time to time.

RECOMMENDATION

Based on the foregoing discussion, the CPC found the amendment to be in conformance with the Comprehensive Plan and the purposes of zoning and voted unanimously to make a recommendation that the City Council approve the proposed changes.

Sincerely,



Christopher Ise
Administrative Officer

cc: Andrew Teitz