

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2004-51

No. 586 **AN ORDINANCE** IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED.

*Approved* December 7, 2004

*Be it ordained by the City of Providence:*

Section 1: Chapter 27 of the Code of Ordinances of the City of Providence entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is further amended by changing the zoning district designation of Lot 4 on Zoning District Map 89 of the Official Zoning Maps from R-2 to C-1, as shown on the accompanying map.

Section 2: The following limitations on the use and development of Lot 4, Zoning District Map 89 shall be noted on the face of the Official Zoning Map and recorded in the official property records:

- (a) Commercial uses shall be limited to the first floor of the building; the second floor shall be limited to residential or administrative office to support the first floor commercial business.
- (b) Prior to receiving a building permit to convert the first floor of the building to commercial use, the applicant shall execute an agreement with the city agreeing not to object to any future rezoning of the property provided such rezoning allows commercial uses on the first floor of the building.
- (c) Demolition of the building and any new development shall require City Plan Commission approval to ensure consistency with the residential character/scale of the area.

Section 3: This Ordinance shall take effect upon passage.

**IN CITY COUNCIL**  
NOV 18 2004  
**FIRST READING**  
**READ AND PASSED**

*Michael R. Clement*  
CLERK

**IN CITY COUNCIL**  
DEC 2 2004  
**FINAL READING**  
**READ AND PASSED**

*Michael R. Clement*  
PRESIDENT  
*Michael R. Clement*  
CLERK

**APPROVED**

*12/7/04*  
**MAYOR**

IN CITY COUNCIL  
MAY 12 2004  
FIRST READING  
REFERRED TO COMMITTEE ON  
ORDINANCES  
Michael Clement  
CLERK  
ans

From The Clerk's Desk

THE COMMITTEE ON  
Ordinances  
Recommends  
James M. Steen  
CLERK  
226-04 Schedule P. Hrg  
9-20-04. P. Hrg held  
10-13-04 Cn 4

THE COMMITTEE ON  
ORDINANCES  
Approves Passage of  
The Within Ordinance  
James M. Steen  
11-8-04  
Clark

CLERK OF THE  
CITY OF BOSTON  
RECEIVED  
MAY 12 2004

**CITY OF PROVIDENCE**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**PETITION TO THE CITY COUNCIL**

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

Miguelina E. Liberato of 355 Potters Avenue, Providence, Rhode Island and owner of 1263 Elmwood Avenue, Providence, Rhode Island, hereby Petitions you for an amendment to the City of Providence Zoning Ordinance Chapter 1994-24, No. 365 approved June 27, 1994, as amended, by changing the zoning district designation of Zoning Map 89, Lot 4 (1263 Elmwood Avenue) from an R-2 to a C-1.



Miguelina E. Liberato  
355 Potters Avenue  
Providence, RI 02907  
(Owner of 1263 Elmwood Avenue  
Providence, RI 02907)

FILED

MAY 12 12 37 PM '04

DEPT. OF PUBLIC WORKS  
PROVIDENCE, R.I.

IN CITY COUNCIL

MAY 20 2004

FIRST READING

REFERRED TO COMMITTEE ON  
ORDINANCES

Richard A. Went CLERK

THE COMMITTEE ON

Ordinances

Recommends

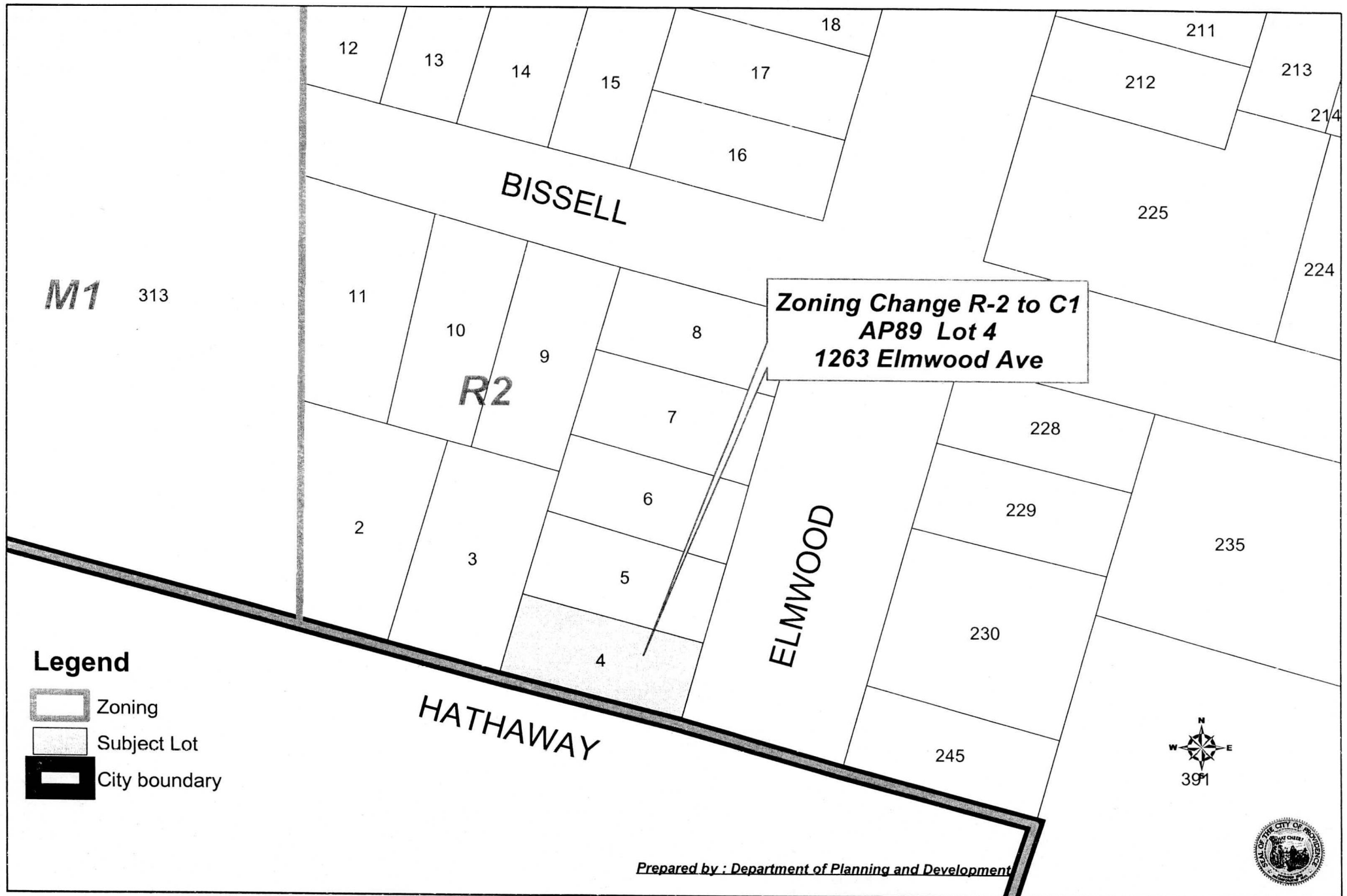
Ann M. Stein

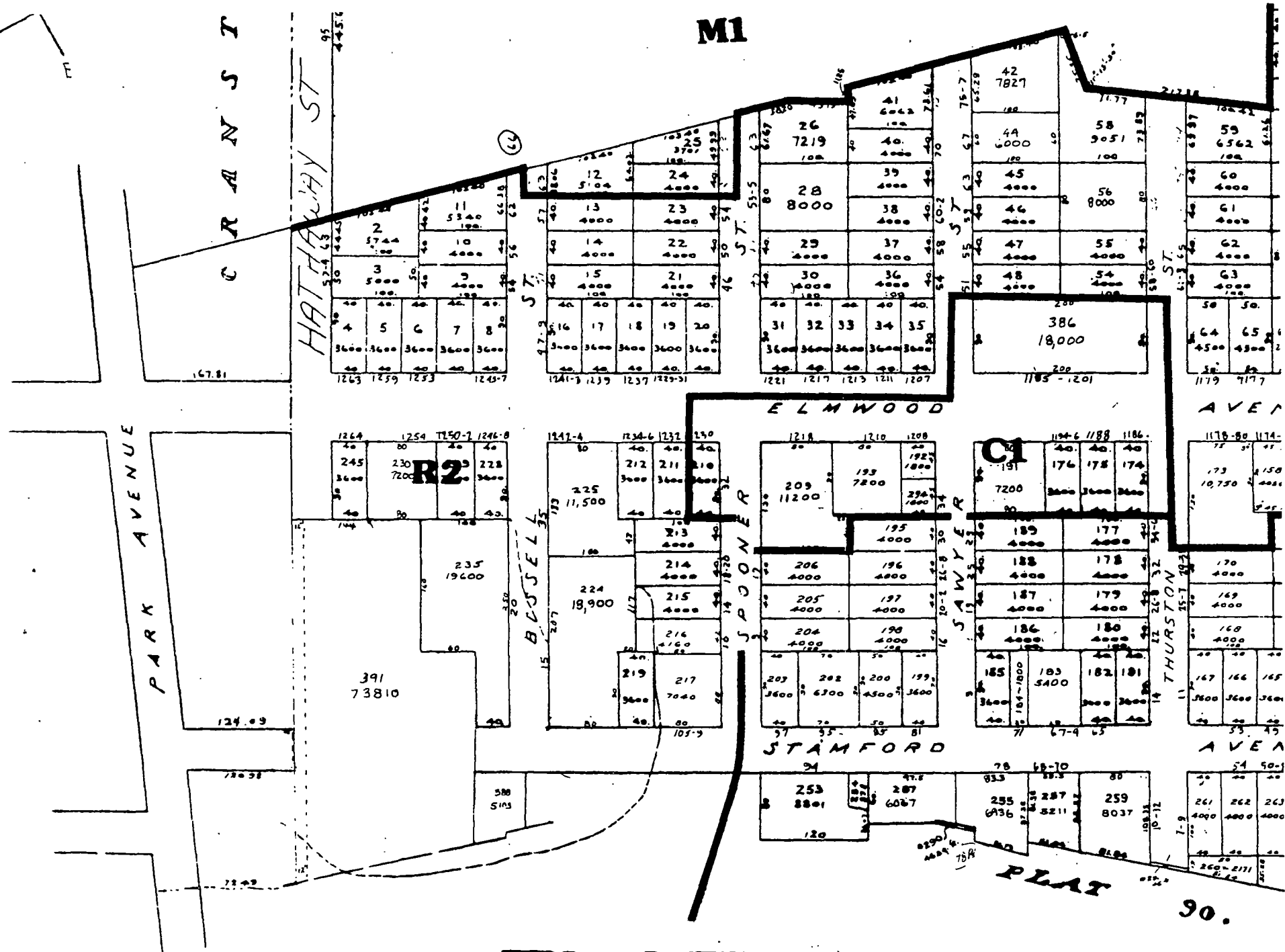
CLERK

8-26-04. Schedule P. 4ry  
9-20-04 P. 4ry held  
10-13-04 - Cm 7

FROM THE CLERK'S DESK

# City of Providence Zoning Ordinance Amendment of Chapter 27 - Official Zoning Map 89





PLAT 89

PROVIDENCE, R.I.

FILED

MAY 12 12 37 PM '04

DEPT. OF THE TREASURY  
PROVIDENCE, R. I.



## Providence City Plan Commission

DAVID N. CICILLINE  
Mayor

August 31, 2004

Honorable Rita Williams, Chair  
Ordinance Committee  
Providence City Hall  
25 Dorrance Street  
Providence, RI 09203

Attn: Anna Stetson, Second Deputy City Clerk

Re: Petition to change zoning designation of 1263 Elmwood Avenue, Assessor's Plat 89, Lot 4, from Residential Two Family ("R-2") zoning district to a Limited Commercial ("C-1") zoning district.

Dear Councilwoman Williams:

At a regular meeting of the City Plan Commission (CPC) on August 17, 2004, and pursuant to Section 1100 of the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, as amended, the Commission reviewed a proposal for the above-captioned amendment to the Ordinance. The Commission voted unanimously as described below to make certain findings of fact and to recommend that the petition be approved.

### **Findings of Fact**

Article XI of the Zoning Ordinance requires that in order for the CPC to make a positive recommendation on amendments to the Ordinance, it must demonstrate consistency with the Comprehensive Plan and with the purposes of zoning as listed in Section 100 of the Ordinance.

1. The proposed Zoning Map amendment is consistent with the Comprehensive Plan.
2. The proposed Zoning Map amendment is consistent with the purpose of the Zoning Ordinance as outlined in Section 100 of the Ordinance.



## **Recommendation**

The CPC recommends to the Committee on Ordinances that the petition for rezoning be approved subject to the following conditions:

1. An amendment to the Comprehensive Plan to designate the property as Limited Commercial shall be adopted concurrent with the zoning map amendment.
2. Commercial uses shall be limited to the first floor of the building; the second floor shall be limited to residential or administrative office use to support the first floor commercial business.
3. The applicant shall execute an agreement with the city agreeing not to object to any future rezoning of the property provided such rezoning allows commercial uses on the first floor of the building.
4. Demolition of the building and any new development shall require City Plan Commission approval to ensure consistency with the residential character/scale of the area.
5. The above listed conditions shall be recorded in the official property records and noted on the face of the Official Zoning Map.

Sincerely,



Christopher J. Ise  
Administrative Officer

cc: Miguelina E. Liberato, Petitioner  
Angel Taveras, Brown Rudnick Berlack Israels LLP