

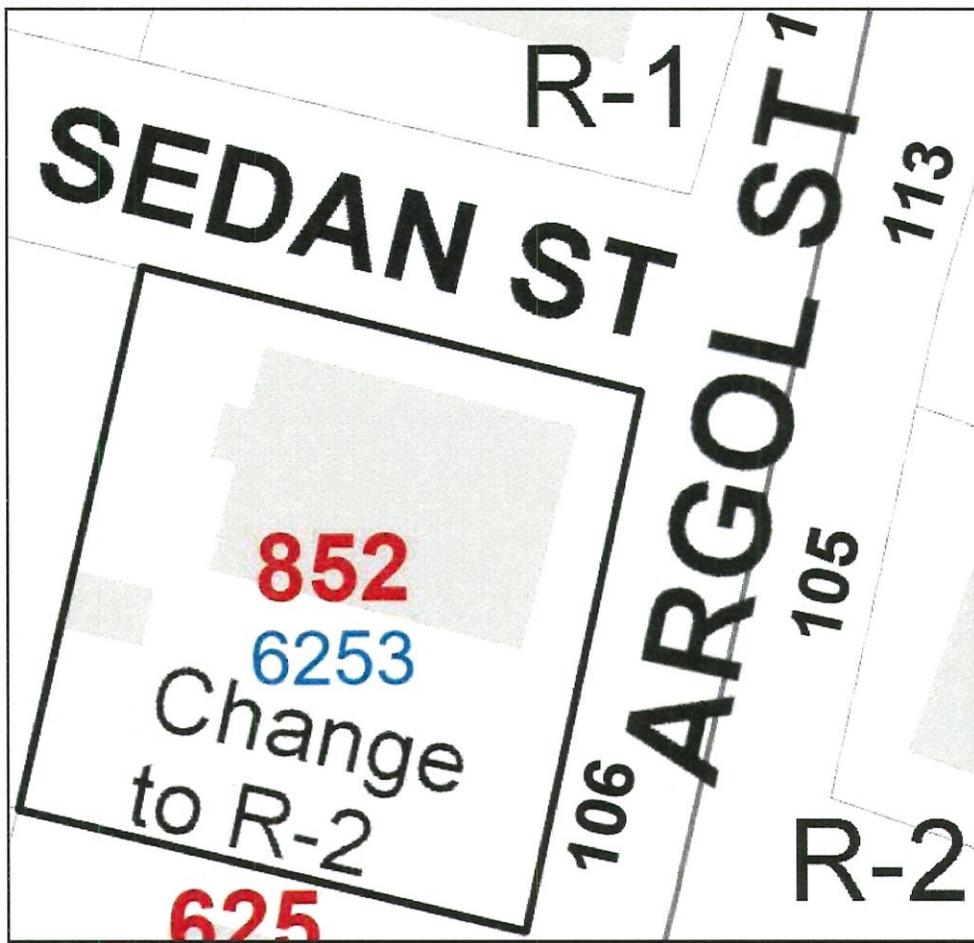
CHAPTER 2023-7

No. 191 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 NOVEMBER 24, 2014, AS AMENDED, TO CHANGE THE ZONING DISTRICT ON THE OFFICIAL ZONING MAP FOR THE PROPERTY LOCATED ON ASSESSOR'S PLAT 77, LOT 852 (106 ARGOL STREET), FROM R-1 TO R-2

Approved May 10, 2023

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 November 24, 2014, As Amended, is hereby further amended by changing the Zoning District on the Official Zoning Map for the Property located on Assessor's Plat 77, Lot 852 (106 Argol Street), from R-1 to R-2.



SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
APR 20 2023

FIRST READING
READ AND PASSED

Jim L. Mastrosanni CLERK

IN CITY COUNCIL
MAY 04 2023
FINAL READING
READ AND PASSED

Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Jim L. Mastrosanni
CLERK

HEREBY APPROVE.

Butterfield
Mayor

Date: 5/10/23



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

January 25, 2023

Councilman Pedro Espinal,
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, City Clerk

Re: Referral 3537 – Petition to rezone 106 Argol Street (AP 77 Lot 852) from R-1 to R-2
Petitioner: Deonte Rashad Dunn

Dear Chairman Espinal,

The petitioner appeared before the City Plan Commission (CPC) on January 24, 2023 requesting a rezoning of 106 Argol Street from R-1 to R-2.

FINDINGS OF FACT

The petitioner is requesting a rezoning of 106 Argol Street, which measures approximately 6,253 SF and is occupied by a single family dwelling, from R-1 to R-2. The lot is located on the western portion of Argol Street, which is zoned R-1 and across the eastern portion of the street which is zoned R-2. Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is intended to be one where single family and low density residential uses are located in proximity to each other. Therefore, the CPC found that the rezoning would be consistent with the intent of the comprehensive plan and zoning ordinance.

The CPC found that rezoning the lot to R-2 to allow for a use that is permitted by right in the adjacent zone is not expected to have a negative effect on neighborhood character or surrounding property as the use will be similar to what is already permitted in proximity to the R-1 zone. Based on plans provided, the CPC found that the lot's size and the building's massing would be appropriate for inclusion within the R-2 zone as the building can accommodate two dwelling units without any proposed changes and zoning relief.

Based on the foregoing discussion, the CPC found that the rezoning is not expected to negatively affect health, safety and welfare and is consistent with the purposes of zoning in Section 101 of the

DEPARTMENT OF PLANNING & DEVELOPMENT

JOSEPH A. DOORLEY JR. MUNICIPAL BUILDING, 444 WESTMINSTER ST, PROVIDENCE RI 02903
PHONE 401.680.8400 | WWW.PROVIDENCERI.GOV/PLANNING

Zoning Ordinance.

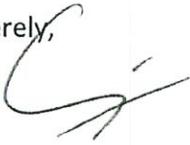
RECOMMENDATION

On a motion by Commissioner Bilodeau, seconded by Commissioner Quezada, the Commission voted to recommend that the City Council rezone the lot to R-2.

The Commission voted as follows:

Aye: H. Bilodeau, M. Quezada, N. Sanchez, M. Gazdacko

Sincerely,

A handwritten signature in black ink, appearing to be 'Cj' with a flourish.

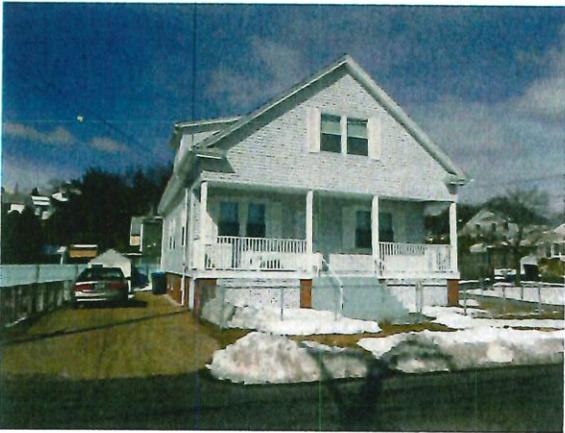
Choyon Manjrekar
Administrative Officer

Providence City Plan Commission

January 24, 2023



AGENDA ITEM 2 ■ 106 ARGOL STREET



View from Argol Street



Aerial view of the lot

OVERVIEW

OWNER/ APPLICANT:	Deonte Rashad Dunn	PROJECT DESCRIPTION:	The applicant is petitioning to rezone the subject lot from R-1 to R-2
CASE NO./ PROJECT TYPE:	CPC Referral 3537 Rezoning from R-1 to R-2	RECOMMENDATION:	Recommend approval of proposed zone change
PROJECT LOCATION:	106 Argol Street AP 77 Lot 852	PROJECT PLANNER:	Choyon Manjrekar
NEIGHBORHOOD:	Charles		

Discussion

The applicant is proposing to rezone 106 Argol Street, which measures approximately 6,253 SF and is occupied by a single family dwelling, from R-1 to R-2.

The lot is located on the western portion of Argol Street, which is zoned R-1 and across the eastern portion of the street which is zoned R-2. Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is intended to be one where single family and low density residential uses are located in proximity to each other. Therefore, the rezoning would be consistent with the intent of the comprehensive plan and zoning ordinance.

Rezoning the lot to R-2 to allow for a use that is permitted by right in the adjacent zone is not expected to have a negative effect on neighborhood character or surrounding property as the use will be similar to what is already permitted in proximity to the R-1 zone. Based on plans provided, the lot's size and the building's massing would be appropriate for inclusion within the R-2 zone as the building can accommodate two dwelling units without any proposed changes and zoning relief.

Based on the foregoing discussion, it is the DPDs opinion that the rezoning is not expected to negatively affect health, safety and welfare and is consistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

Recommendation

Based on the foregoing discussion, the DPD recommends that the CPC should recommend that the City Council approve the proposed zone change to R-2 finding it to be consistent with the comprehensive plan and purposes of zoning.

ZONE CHANGE PETITION
106 ARGOL STREET; AP 77 LOT 852
R-1 TO R-2
DEONTE RASHAD DUNN

R.I. Gen. Laws §45-24-52 is set forth in pertinent part in **Bold Underline** with our responses listed thereunder. Our responses are derived from the expert review of the City of Providence's Department of Planning and Development. In this case, the January 24, 2023 DPD recommendation to this honorable board to provide the City Council with a favorable recommendation in support of the applicant's petition for a zone change.

(1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and

- In accordance with the future land use map, as noted by the DPD recommendation, this area is supposed to be low density residential with single and two-family homes located in proximity to each other and therefore this complies with the comprehensive plan
- Many of the uses in the immediate vicinity are two-family properties.
- The R-2 zone is the zone directly across the street
- Supporting young owner-occupied buildings is also critical to developing a vibrant city where people have a place to grow their home and building their future
- There is no required dimensional relief, as the lot is oversized in comparison to many of the lots in the immediate vicinity

(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30.

Please see the below.

ZONE CHANGE PETITION
106 ARGOL STREET; AP 77 LOT 852
R-1 TO R-2
DEONTE RASHAD DUNN

R.I. Gen. Laws §45-24-30 sets forth the purposes of zoning as follows:

(1) Promoting the public health, safety, and general welfare.

Increasing housing supply, especially through adaptive reuse and infill, is critical to promoting the public health, safety, and general welfare of the City of Providence.

(2) Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.

Increasing the housing supply is critical to both the current and projected future needs of the City. Doing so through infill is ideal for the character of the City.

(3) Providing for orderly growth and development that recognizes:

(i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;

The proposal has been found to conform to the comprehensive plan. Please see above.

(ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;

Infill is one of the best means by which urban communities can maintain these standards.

(iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;

To the extent that this is applicable, the application and any work that will be performed as a result thereof shall be in compliance with all R.I. D.E.M. requirements.

(iv) The values of unique or valuable natural resources and features;

Infill is one of the best means by which urban communities can maintain these standards.

(v) The availability and capacity of existing and planned public and/or private services and facilities;

Infill is one of the best means by which urban communities can make use of existing municipal services capacity.

(vi) The need to shape and balance urban and rural development; and

Infill is an excellent means by which urban communities can maintain and meet growing or changing demand without imposing externalities on rural communities.

(vii) The use of innovative development regulations and techniques.

ZONE CHANGE PETITION
106 ARGOL STREET; AP 77 LOT 852
R-1 TO R-2
DEONTE RASHAD DUNN

To the extent that this is applicable, the application thus far has followed all procedural requirements.

(4) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

To the extent that this is applicable, the application and any work that will be performed as a result thereof shall be in compliance with all R.I. D.E.M. requirements.

(5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.

Infill is one of the best means by which urban communities can maintain its existing built environment and the character it espouses.

(6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

To the extent that this is applicable, the application and any work that will be performed as a result thereof shall be in compliance with all R.I. D.E.M. requirements. Moreover, infill is an excellent means by which urban communities can maintain and meet growing or changing demand without imposing externalities on rural communities.

(7) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

Infill is one of the best means by which urban communities can make use of existing municipal services capacity.

(8) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.

Increasing the housing supply is critical to both the current and projected future needs of the City. Doing so through low density infill is ideal for the character of this neighborhood.

(9) Providing opportunities for the establishment of low- and moderate-income housing.

Increasing the housing supply is critical to both the current and projected future needs of the City. Doing so through infill is ideal for the character of the City.

(10) Promoting safety from fire, flood, and other natural or unnatural disasters.

To the extent that this is applicable, the application and any work to be derived therefrom is and shall be in compliance with all applicable state law and land use requirements and all work will be

ZONE CHANGE PETITION
106 ARGOL STREET; AP 77 LOT 852
R-1 TO R-2
DEONTE RASHAD DUNN

performed in conformance with the requirements of any applicable state agencies or municipalities.

(11) Promoting a high level of quality in design in the development of private and public facilities.

Increasing the housing supply is critical to both the current and projected future needs of the City. Doing so through infill is ideal for the character of the City.

(12) Promoting implementation of the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title.

The proposal has been found to conform to the comprehensive plan. Please see above.

(13) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

To the extent that this is applicable, the application and any work to be derived therefrom is and shall be in compliance with all applicable state law and land use requirements and all work will be performed in conformance with the requirements of any applicable state agencies or municipalities.

(14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

To the extent that this is applicable, the application thus far has met all applicable deadlines.

(15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

To the extent that this is applicable, the application thus far has followed all procedural requirements.

(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

To the extent that this is applicable, the application and if approved the work that may be derived therefrom, shall adhere to all of the applicable requirements of the standards and codes identified above.

City of Providence
STATE OF RHODE ISLAND

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE

The undersigned respectfully petitions your honorable body

I, **Dylan Conley**, Attorney on behalf of **Deonte Rashad Dunn**, hereby petition the City Council to change the Official Zoning Map of the City of Providence by changing the zoning district designation for the property located at **106 Argol Street, Providence, Rhode Island**, designated as **Assessor's Plat 77, Lot 852**, and shown on the accompanying map attached hereto as Exhibit A, from **R-1 to R-2**.

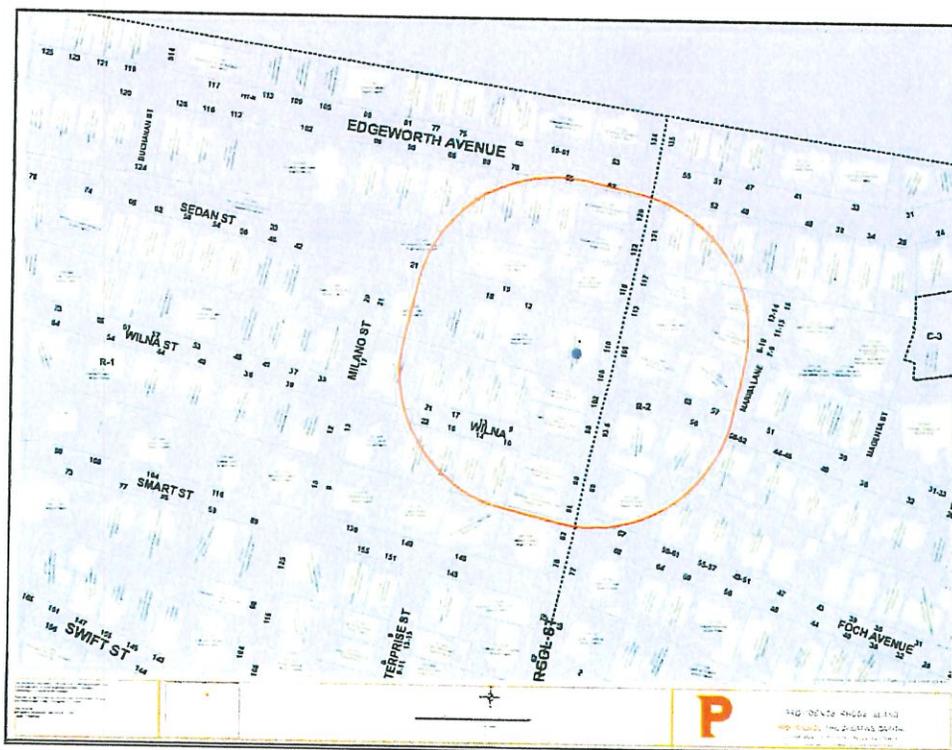
Petitioner,
DEONTE RASHAD DUNN, by and
through his attorney:

/s/ Dylan Conley
Dylan Conley (R.I. Bar No. 8969)
Conley Law Associates
123 Dyer St.
Providence, R.I. 02903
(401) 415-9835
dconley@conleylawri.com

106 Argol Street
Providence, R.I. 02904
AP 77, Lot 852



Current Zone: R-1
Proposed Zone: R-2



City of Providence
STATE OF RHODE ISLAND

PETITION TO THE CITY COUNCIL

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DEONTE RASHAD DUNN, by and
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/s/ Dylan Conley

Dylan Conley (R.I. Bar No. 8969)

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106 Argol Street
Providence, R.I. 02904
AP 77, Lot 852



Current Zone: R-1
Proposed Zone: R-2

