The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 787

zoning change #33

No. 677 AN ORDINANCE IN AMENDMENT OF CHAPTER 544 OF THE ORDINANCES OF THE CITY OF PROVIDENCE APPROVED SEPTEMBER 21, 1951, ENTITLED, "AN ORDINANCE ZONING THE CITY OF PROVIDENCE AND ESTABLISHING USE, HEIGHT AND AREA REGULATIONS."

Approved November 3, 1953

Be it ordained by the City of Providence:

Section 1. The Zoning Map accompanying and made a part of Chapter 544 approved September 21, 1951 entitled "An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations" is hereby amended by changing from a Heavy Commercial C-4 Zone to a Downtown Commercial C-3 Zone described below as Area 1 and by changing from an Industrial M-1 Zone to a Heavy Commercial C-4 Zone as described as Area 2.

"AREA I"

Beginning at the northeasterly corner of Exchange Terrace and Gaspee Streets; thence northerly along the easterly line of Gaspee Street crossing Railroad Street and Kinsley Avenue to an angle; thence northeasterly along the southeasterly line of said Gaspee Street crossing Promenade, Francis and Stillman Streets to the southeasterly corner of said Gaspee and Smith Streets; thence easterly along the southerly line of said Smith Street to the southwesterly corner of said Smith and Canal Streets; thence southerly along the westerly line of said Canal Street to an angle; thence generally southeasterly along the southwesterly line of said Canal Street to the northwesterly boundary of the existing Downtown Commercial Zone (C-3); thence generally southwesterly along the said northwesterly boundary of the Downtown Commercial Zone (C-3) to an angle; thence southeasterly along the northeasterly boundary of the said Downtown Commercial Zone (C-3) to the northerly line of Exchange Terrace; thence generally westerly along the said northerly line of Exchange Terrace to the northeasterly corner of said Exchange Terrace and Gaspee Streets and the point and place of beginning.

"AREA II"

Beginning at the northwesterly corner of Gaspee and West Exchange Streets; thence generally westerly along the northerly line of West Exchange Street to the second angle west of Gaspee Street; thence northwesterly along the southwesterly line of said West Exchange Street to the southeasterly corner of Lot 138 on assessor's plat 26; thence northerly along the easterly line of said lot 138 to the northeasterly corner of said lot 138; thence generally westerly along the southerly line of lot 62 to the easterly line of Balbo Avenue; thence generally

No.

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AN ORDINANCE

northerly along the said easterly line of Balbo Avenue and the westerly line of Lot 62 to a point in the southerly line of Harris Avenue just east of the range of the said easterly line of Balbo Avenue, said point being the northwesterly corner of Lot 62; thence generally easterly along the said southerly line of Harris Avenue to the intersection of said line and the soutwesterly line of Kinsley Avenue; thence southeasterly along the said southwesterly line of Kinsley Avenue and the southwesterly line of Gaspee Street to the northwesterly corner of Gaspee and West Exchange Streets and the point and place of beginning.

Section 2. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
OCT 1 5 1953
FIRST READING
READ AND PASSED
R. Everett Whelan
CLERK

IN CITY COUNCIL
NOV 2 - 1953
FINAL READING
READ AND PASSED
Louis D. Lucaks
PRESIDENT
R. Everett Whelan
CLERK

APPROVED
NOV 3 1953
Walter H. Reynolds
MAYOR

No.

CHAPTER

AN ORDINANCE

The City of Providence — Legislative Department

CITY CLERK'S OFFICE—OFFICIAL MEMORANDUM

Providence, R. I. August 7, 1953

TO: City Plan Commission

SUBJECT: Change in zoning of Railroad property in downtown Providence

CONSIDERED BY: Committee on Ordinances

ACTION TAKEN: Referred to City Plan Commission for study, report and recommendation accompanying Ordinance for change in zoning of property of N. Y. N. H. & H. R. R. Co. in downtown Providence.

City Clerk

Between Harris Avenue, Kinsley Avenue and Gaspee Street on the north, Canal St. on the east, Exchange Terrace and West Exchange Street on the south and Balbo Avenue on the west.

Div. 3
Lots

331 Steven T. Martin & wife Helen
3 State St.

330 Prov. & Worcester R.R. Co. 1/2
Boston & Prov. R.R. Co. 1/2
N.Y. N.H. & H. RR. Co.
c/o B. W. Thompson
R.E. Dept. Rm 577
South Station
Boston 10, Mass.

67 Young Bros. Mattress Co., Inc
28 Charles Street

Plat 4

Lots

17 Boston & Prov. R.R. Corp 1/2 & Prov. Wor. R.R. Co. 1/2
c/o B.W. Thompson R.E. Dept. Rm 577
223 " So. Station, Boston 10, Mass

22 Boston & Prov. R.R. Co.
" "

16 River

22 "

15 "

22 Boston & Prov. R.R. Co.
" "

23 State of Rhode Island

Plat 10

Lots

1 Mary Lyon & Edward Blackman, trustees u/w Harry Lyon 367 Canal St.

58 " "

3 Royal Sales Investment Corp. 361 Canal St.

134 Salvatore Truppa 98 Job St.

135 Royal Sales Investment Corp. 361 Canal St.

6 Samuel M. Silverman & wf. Bessie St. 277 Canal St.

620 Mary C. McLaren 2796 Post Rd., Greenwood, R.I.

11 John J. Mc Hale & Sons, Inc. 101 Ferris St., Pawt., R.I.

390 Philip Allen Cowesset, R.I.

46 Canal Realty Co. 315 Canal St.

Plat 10

47 Peter J. Woods + wf. Anna C. Jt.
387 Lloyd Ave.

13 Ida M. Frank 1/2, + Haskell Frank 1/2
303 Canal St.

15 Minnie A. Coonan
9 Catalpa Rd.

16 Cartier Bros. Inc.
275 Canal St.

17 B.A. Buonanno, Inc.
25 Superior View Blvd., No. Prov., R.I.

25 Canal Properties, Inc.
c/o Nicholas Goluses, 529 Ind. Tr. Bldg.

20 John R. Horrocks + wf. Evelyn C. Jt.
64 Cromwell St.

26 Fred O. Gardiner, Inc.
255 Canal St.

28 City of Prov.

29 Haymarket Realty Co. Inc.
235 Canal St.

Plat 10

30 Lenox Realty Co. Inc.
c/o Jos. Marcus 184 No. Main St.

585 Peoples Furniture Co.
189 Canal St.

32 McHale Realty Co.
104 Ferris Ave., Pawt., R.I.

552 " " "

553 Michael & Joseph Shopard
135 Canal St.

35 N.Y., N.H. & H. R.R. Co.
c/o B. W. Thompson R.E. Agt. Rm 577
So. Station, Boston 10, Mass.

37 The Evans Findings Co., Inc.
129 Canal St.

38 W. W. Reynolds, Inc.
125 Canal St.

Plat 12
lots
1 Prov. Washington Ins. Co.
20 Washington Place

East and south of Gaspee Street
& west of Gaspee Street and South of
Harris Avenue

Plat 19

Lots

1 Prov. & Worcester R.R. Co.
See #330

2 Boston & Prov. R.R. Co
See #17

3 Prov. & Wor. R.R. Co. 1/2 Boston & Prov. R.R. Co.
See #330

4 Boston & Prov. R.R. Co.
See #17

5 Prov. & Wor. R.R. Co.
See #330

29 River

17 "

8 "

19 Boston & Prov. R.R. Co.
See #17

9 " "

Plat 19

Lots

14 Prov. & Wor. R.R. Co.
see # 330

18 N.Y. N.H & H. R.R. Co.
Same as # 330

6 Prov. & Worcester R.R. Co.
see # 330

41 Prov. & Worcester R.R Co 1/2 &
Boston & Prov. R.R. Co. 1/2
see # 330

33 United States of America

36 City of Prov.

35 " "

21 Prov. terminal Co.
Same as # 330

22 Boston & Prov. R.R. Co.
see # 17

23 Prov. & Wor. R.R. Co.
see # 330

Plat 19

Lots

34 City of Prov.

10 Boston & Prov. R.R. Co.
see # 17

27 Prov. & Worcester R.R. Co
see # 330

11 N.Y. N.H. & H. R.R. Co.
same as # 330

15 James Sheridan + wife Mary E.
280 Washington Ave.

12 N.Y. N.H. & H. R.R. Co.
same as # 330

38 Prov. Produce Warehouse Co.
N.Y. N.H. + H.R.R. Co.
Real Estate Agent
Rm 577
South Station
Boston 10, Mass.

Plat 19

Lots

24 Cntg. of Prov.

25 " "

26 " "

30 " "

7 " "

31 " "

32 " "

13 " "

PLOT 20

LOT

35 U.S. of America (P.O.)
Post Master, P.O., Prov.

Plat 25

lots

138 Fuller Bldg. Co.
P.O. Box 1212.

144 Industrial tr. Co., Philip C. Joslin
& Katherine M. Hahn w&w. J. Jero
tr. u/w. J. Jerome Hahn
111 Westminster St.

125 R.I. Hospital
593 Eddy St.

Between Harris Avenue, Kinsley Avenue and Gaspee Street on the north, Canal St. on the east, Exchange Terrace and West Exchange Street on the south and Balbo Avenue on the west.

PLAT 26

LOTS

62 N.Y. N.H. & H. R.R. Co.
see # 330

250 First National Stores Inc.
327 West Exchange St.

235 Eskay Realty Corp.
12 Sefton Drive, Edgewood

236 Grinnell Corp.
260 West Exchange St.

158 " "

155 " "

227 Marion B. Baker & Helen B. Ostby
252 Bowen St.

127 Crane Co.
245 West Exchange St.

125 Albert A. DeSano & wf. Madeline M.
1318 Chalkstone Ave.

119 Cole Terminal Warehouse Co.
233 West Exchange St.

Plot 26

Lots

302 United Plumbing & Heating Supply Co. Inc. - 237 W. Exchange St.

61 Callauber, McDuslow & Troup Co. 239 Westminster St.

320 C. D'Errico Inc. 184 Knight St.

321 Burton Realty, Inc. 207 West Exchange St.

185 " "

43 City Hall Hardware Co. 150 Washington St.

50 Mary R. Gordon 1/2 & Harriet N. Dorrance 1/2 108 Butler Ave.

49 Earlor Corp. 223 Aborn St.

211 Ho Outlet Co. 176 Weybosset St.

44 R I Supply & Engineering Co. 156 W. Exchange St.

Plat 26

Lots

6 R.I. Supply & Engineering Co.
same as #44

266 Useco Realty Co.
Box 1433, Prov.

276 Universal Supply Realty Co.
134 W. Exchange St.

4 Rosedale Realty Co.
275 Westminster St.

1 Washington Real Estate Co.
61 Sabin St.

234 Nicholson File Co.
23 Acorn St.

308 H.P. Hood & Sons, Inc.
135 Harris Ave.

253 " " "

Pat 26
Lots

292 H. P. Hood & Sons Inc.
same as # 308

241 Field Land Co.
119 Harris Ave.

26 Standard Wholesale Co. Inc.
115 Harris Ave.

334 Costello Bros. Inc.
111 Harris Ave.

161 M. Thomas Marcello
183 Heather St, Cranston,

201 Merchants Cold Stge. & Warehouse Co.
160 Kinsley Ave.

333 " " " "

258 City of Prov.

117 Merchants' Cold Stge. & Whse Co.
same as # 201

319 City of Prov.

Plat 26

Lots

25-5 City of Prov.

Plat 26

lot.

138 Burton Realty, Inc.
207 We. Exchange St.

329 Elbar Realty Inc.
739 Boylston St., Boston, Mass.

Plat 28

Lots /

395 Vesta Underwear Co.
10 Front St., Pawtucket,

Plat 19

Lot 8-17-29 Canal

Plat 4

Lot 15-16-22- Canal

Buildings there on leased land

City Plan Commission

Suite 103, City Hall,
Providence 3, Rhode Island

August 26, 1953

Committee on Ordinances
City Hall
Providence, Rhode Island

SUBJECT: Referral No. 518 - ZONING CHANGE OF RAILROAD PROPERTY IN DOWNTOWN PROVIDENCE

Gentlemen:

The subject referral received consideration by the City Plan Commission at a meeting held on Tuesday, August 25, 1953.

This referral is a request for a change in zoning of the property owned by the New York, New Haven and Hartford Railroad Company in downtown Providence, by changing from a Heavy Commercial C-4 Zone to a Downtown Commercial C-3 Zone, those certain lots located east and south of Gaspee Street as set out and delineated on City Assessor's Plat 19; and by changing from a General Industrial M-1 Zone to a Heavy Commercial C-4 Zone, those certain lots located west of Gaspee Street and south of Harris Avenue as set out and delineated on Assessor's Plat 19, and Lot No. 62 as set out and delineated on City Assessor's Plat 26; the entire area between Harris Avenue, Kinsley Avenue and Gaspee Street on the north, Canal Street on the east, Exchange Terrace and West Exchange Street on the south and Balbo Avenue on the west.

This change of zoning is an interim measure designed for the protection of existing downtown properties from the possible intrusion of undesirable developments in the event of the railroad relocation.

The Commission

VOTED: To offer no objection to the granting of this petition.

Very truly yours,

FRANK H. MALLEY
DIRECTOR
CITY PLAN COMMISSION

FHM:MMH

c.c. Councilman William A. Gray
Councilman Russell J. Boyle
Councilman Jerry Lorenzo
Councilman Thomas S. Luongo

GRINNELL CORPORATION

AUTOMATIC SPRINKLER SYSTEMS
UNIT HEATERS AND SPECIALTIES
AIR CONDITIONING EQUIPMENT

EXECUTIVE OFFICES PROVIDENCE 1, R.I.

PROVIDENCE 1, R. I.

PIPE, FITTINGS AND VALVES
PLUMBING AND HEATING MATERIAL
PREFABRICATED PIPING AND SUPPLIES

IN REPLY REFER TO -

September 19, 1953

Committee on Ordinances
City Hall
Providence
Rhode Island

Gentlemen:

I am general counsel for Grinnell Corporation.

Our Providence plant, operated at present as a brass foundry and machine shop, being located in a General Industrial M-1 Zone, comprises Lots 155, 158 and 236 on Assessor's Plat 26, bounded on the south by West Exchange Street and on the north by Lot 62 on Assessor's Plat 26, which is the property of the New York, New Haven & Hartford Railroad.

We duly received notice from the office of the City Clerk under date of September 2 of proposed ordinance rezoning a stated area from M-1 to C-4. In the closing phrase of the description of this area it was stated that it was bounded on the south by Exchange Terrace and West Exchange Street.

In view of the possibility that this might include our plant, I examined the petition, from which it would seem that the intention was to locate the southerly boundary of the rezoned area partly on Exchange Terrace and West Exchange Street and partly on the southerly line of Lot 62 on Plat 26, which, as above stated, is the northerly boundary of our plant property. I have also been advised by counsel for the Railroad that this is the intention.

I still feel, however, that there is a possible ambiguity in the language of the proposed ordinance as contained in the petition.

So that our title may be free of any possible ambiguity and to clarify this situation, I should like to suggest that the proposed ordinance be reworded, possibly by describing the area affected by the specific lot numbers on the Assessor's Plats and particularly by more specifically describing the southern boundary of the affected area, to make it clear that such southern boundary is the southern boundary of present Lot 62.

TO Committee on Ordinances September 19, 1953

We do not intend to oppose the adoption of this ordinance but, for the reasons stated, would like to see the description of the affected area clarified.

I have discussed this situation with James H. Higgins, Jr., Esq., who represents the owner of another parcel located between the northerly line of West Exchange Street and the southerly line of Lot 62 and who feels as I do and, I believe, intends to appear at the hearing to make a suggestion similar to mine.

Yours very truly,

RTC:W

Roger T. Clapp, Counsel

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 788

zoning change #34

No. 678 AN ORDINANCE IN AMENDMENT OF CHAPTER 544 OF THE ORDINANCES OF THE CITY OF PROVIDENCE APPROVED SEPTEMBER 21, 1951, ENTITLED, "AN ORDINANCE ZONING THE CITY OF PROVIDENCE AND ESTABLISHING USE, HEIGHT AND AREA REGULATIONS".

Approved November 3, 1953

Be it ordained by the City of Providence:

Section 1. The Zoning Map accompanying and made a part of Chapter 544 approved September 21, 1951 entitled "An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations" is hereby amended by changing from a Residential R-1 Zone to a Heavy Commercial C-4 Zone Lot 21 as set out and delineated on City Assessor's Plat 126, said lot being located on Reservoir Avenue in the vicinity of Pontiac Street and Rhodes Avenue.

Beginning at the southeasterly corner of Lot 21 on Assessor's Plat 126; thence westerly along the northerly line of Lot 23 to the southwesterly corner of Lot 21; thence northerly along the easterly line of Lot 19 to an angle and the southerly line of Lot 186; thence northeasterly along the southeasterly line of said lot 286 to the southwesterly corner of Lot 18; thence easterly along the southerly line of said Lot 18 to the northeasterly corner of Lot 21; thence southerly along the westerly line of Lot 22 to the southeasterly corner of Lot 21 and the point and place of beginning.

Section 2: This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
OCT 15 1953
FIRST READING
READ AND PASSED
R. Everett Whelan
CLERK

IN CITY COUNCIL
NOV 2 - 1953
FINAL READING
READ AND PASSED
Thomas J. Lunge
PRESIDENT
R. Everett Whelan
CLERK

APPROVED
NOV 3 1953
Walter H. Reynolds
MAYOR

No.

CHAPTER

AN ORDINANCE

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

The undersigned respectfully petitions your honorable body to change the zoning of lot #21 on the Assessors Plat #126 owned by The Standish-Barnes Company of Providence, Rhode Island, which is now zoned as R-1 (one family zone) to ~~M-2 zone (heavy industrial zone).~~ C-4 HEAVY COMMERICIAL ZONE.

This lot is definitely impossible economically for residential use, it is low and wet because of the seepage from the Mashapaug Pond; also, it is unsuitable for residential use because a large portion of said lot is surrounded by land used for industrial and business purposes. Furthermore, we understand that the City of Providence is contemplating leasing a portion of a lot which borders on our property for the purpose of erecting a building for the cremating of dogs.

All in all, we feel that the entire area in this vicinity should be changed to heavy industrial zone and trust that your honorable body will see fit to do so.

THE STANDISH-BARNES COMPANY
By Edward Rodgers

March 25, 1953

507 Union Trust Bldg., Providence, R. I.

MAR-25-53 104 —BN1 0.00

FILED
MAR 25 3 19 PM '53
CITY CLERK'S OFFICE
PROVIDENCE, R. I.

IN CITY COUNCIL

APR 2 - 1953

FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES

D. Everett Whelan CLERK

IN CITY COUNCIL

JUL 16 1953

FIRST READING
REFERRED TO COMMITTEE ON
Ordinances

D. Everett Whelan CLERK

Mr. Munroe
(by request)

Received of March 25th 19 53

The Stardish-Barnes Company(Edward Rodgers)

Ten and ----------00/100 100 Dollars

Fee for petition to City Council for change in Zoning of Lot 21 on

Plat 126

MAR-25-53 1 0 4 ---DN1 0.00

$ 10.00

Gibsons 704

The City of Providence — Legislative Department

CITY CLERK'S OFFICE—OFFICIAL MEMORANDUM

Providence, R. I., April 2, 1953

TO: City Plan Commission

SUBJECT: CHANGE OF ZONING, LOT 21 ON ASSESSOR'S PLAT 126

CONSIDERED BY: Committee on Ordinances

ACTION TAKEN: VOTED: To refer to City Plan Commission for study, report and recommendation the attached petition to change from an R-1 Zone to an M-2 Zone, located on Lot 21 on Assessor's Plat 126.

D. Everett Walsh

City Clerk

City Plan Commission

Suite 103, City Hall,
Providence 3, Rhode Island

April 15, 1953

Committee on Ordinances
City Hall
Providence, Rhode Island

SUBJECT: Referral No. 493 - ZONING CHANGE ON LOT 21, ASSESSOR'S PLAT 126

Gentlemen:

The subject referral received consideration by the City Plan Commission at a meeting held on Tuesday, April 14, 1953.

This referral is a request for a change in zoning from a C-4 and R-1 Zone to an M-2 Zone, Lot 21 on Assessor's Plat 126, located on the northerly side of Reservoir Avenue and containing 99,406 square feet of land area. At the present time most of the land lies in an R-1 Zone, except for the Reservoir Avenue frontage which lies in a C-4 Zone. This frontage is now being used for outdoor advertising (billboards). The rear portion of the land in question is adjacent to vacant land which abuts Mashapaug Pond.

Land at the southerly side of the pond is occupied by an ice company. Permission was recently granted by the Zoning Board of Review to erect a building for the purpose of cremating small animal carcasses. This building will be located to the rear and on the westerly side of the above-mentioned land. The request for the crematory was for a specific use and was granted by special exception because of the isolated nature of the site and the intended use of the building, namely for the carrying on of a local governmental enterprise which is deemed essential to the public welfare.

Since the Commission feels that this area should remain in residential and commerical zones rather than an M Zone, which would allow any industrial use to be established on this property,

The Commission

VOTED: To recommend to the Committee on Ordinances that this petition be denied.

Very truly yours,

FRANK H. MALLEY
DIRECTOR
CITY PLAN COMMISSION

FHM/veb

c.c. Councilman Ernest C. Munroe
Councilman Thomas L. Payne

Standish-Barnes Co.
Reservoir Ave. near Trudeau Pond.

(6)

Plat 126.

Lot	
15	Mabel W. Wildenhain 1 Pontiac St.
16	~~Mabel W.~~ ~~Frank W.~~ Wildenhain ~~Estate~~ 1 Pontiac St.
18	City of Prov.
19	Walter B. Chiggoes 1103 So. Broadway, E. Prov.
21	Standish Barnes Company 170 Westminster St ~~[illegible]~~
22	Edward J. + Anna J. Kochijian 34 Ridge St, Cranston
23	Standish-Barnes Co. 170 Westminster St.
43	dropped
170	Ellen E. Jenison 275 Reservoir Ave.
186	William H. Garvin 16 Linwood Ave.

"A"

Re: Reservoir Avenue at Pontiac Avenue, Providence

1. The property consisting of approximately 231,000 feet with over 600 feet frontage was purchased as industrial and business property in good faith and in reliance upon the zoning laws of the City of Providence which designated the property business and industrial.

2. The property, originally a swamp with a large brook running through it was filled over a period of years, and a considerable length of the brook piped in, contemplating business use of the property.

3. Taxes have been paid on the property for approximately 20 years on the basis of its potential use as business and industrial property.

4. The area is actually industrial and commercial in character and the surrounding property is industrial and commercial in its actual use today.-

On its North - the municipal dogpound, dog cremation, and Moshpaug Pond.

On its West - the Rhode Island Ice Company and a cemetary.

On its South - across the street, the California Artificial Flower Co. factory, a municipal pumping station, a gasoline station and a block of stores.

On its East - a cleaning plant and a gasoline station.

5. The frontage on Reservoir Ave. for a depth of 200 feet is zoned C-4, heavy commercial. The rear of the property comprising about 100,000 sq. ft., is zoned residential and can be used only for dwelling and parking purposes. The legal use of 100' additional depth for parking would and does leave a small, totally isolated part of the property consisting of approximately 40,000 feet of low lying swampy land, cut under by seepage from Mashpeng Pond, zoned residential, but totally unsuitable, undesirable and actually completely impractical for residential purposes, because of

a. the size of the residential area is too small and has no public way providing access.
b. the proximity of industrial and commercial uses on adjacent property (spot zoning).
c. the high water content and lack of suitable foundation under the soil itself.
d. the prohibitive cost of building residential facilities and providing public utilities under such conditions.
e. the absence of suitable access to the property compatible with residential use.
f. the violation of all sound considerations of prudent investment necessitated by enforced use of the property for residential purposes.

6. The residential zoning of the property is not based on any known consideration of

the public interest and in no way serves, furthers or protects the public health, safety, morals or general welfare and bears no substantial relationship to the public interest or to protecting the rights and values of adjacent property owners.

7. The change in zoning of city property from industrial to residential was not made at the request of adjoining property owners, or any aggrieved property owner in the area.

8. The change in zoning was made over the written opposition of the owners and for purposes unknown to them.

9. The adjacent and neighboring property owners, not only did not request the restriction of this property but actually testified at the hearing that heavy commercial zoning of the entire property will enhance, rather than injure, the value, use, and productivity of their property and appeared in favor of C-4 zoning of the property at said hearing, as the record shows.

CONVERSELY -

1. The property is eminently suitable, desirable and valuable for commercial uses similar to those now existing upon adjacent property.

2. Its large area offers opportunity for modern commercial establishments with the ample off-street parking declared by city traffic authorities to be essential to all

new commercial enterprises.

3. This parking area is provided on private property - at private-not public-expense.

4. Commercial zoning of the entire property would permit the development of new building, encourage employment, promote modern commercial facilities and assessable realty values in the City of Providence which, without more realistic regulation of land use, will be forced out of the city entirely.

5. C-4 zoning would permit this property to compete with such modern business developments as are springing up everywhere outside the City of Providence; such as at Garden City, Governor Francis Farms in Warwick, Hoxie, and many other places.

Denial of C-4 commercial zoning, so that ample parking areas may be placed in front of proposed buildings, which should be set back 300 feet or more, according to best modern practice, zones this land completely out of use -- or forces the owners to place most of the parking area in the rear, which is poor practice.

Insistance upon residential zoning of this land cannot force its use for this purpose. No residences will ever be built upon it, so residential zoning serves no purpose.

Appeal of Lord - Pennsylvania Supreme Court - Western District

"The right to acquire and own property, to deal with it and use it as the owner chooses, so long as the use harms nobody, is a natural right. It does not owe its origin to constitutions. It existed before them. It is Part of a citizen's natural liberty, an expression of his freedom, guaranteed as inviolate by every American Bill of Rights".

"These rights are subject only to the reasonable regulations of the police power, when they are necessary for the preservation of the public health, safety, morals or general welfare and not unjustly discriminatory, or arbitrary, or unreasonable or confiscatory in their application to a particular or specific piece of property. Both our federal and state constitutions provide for and guarantee every citizen certain unalienable rights and liberties, and with respect to property, limit the paramount right of the sovereign state to take an owner's land for public use only, and even then, only if it pays the owner just compensation."

"<u>A strong public desire to improve the public condition is now enough to warrant achieving the desire by a shorter cut than the constitutional way of achieving the change.</u>"

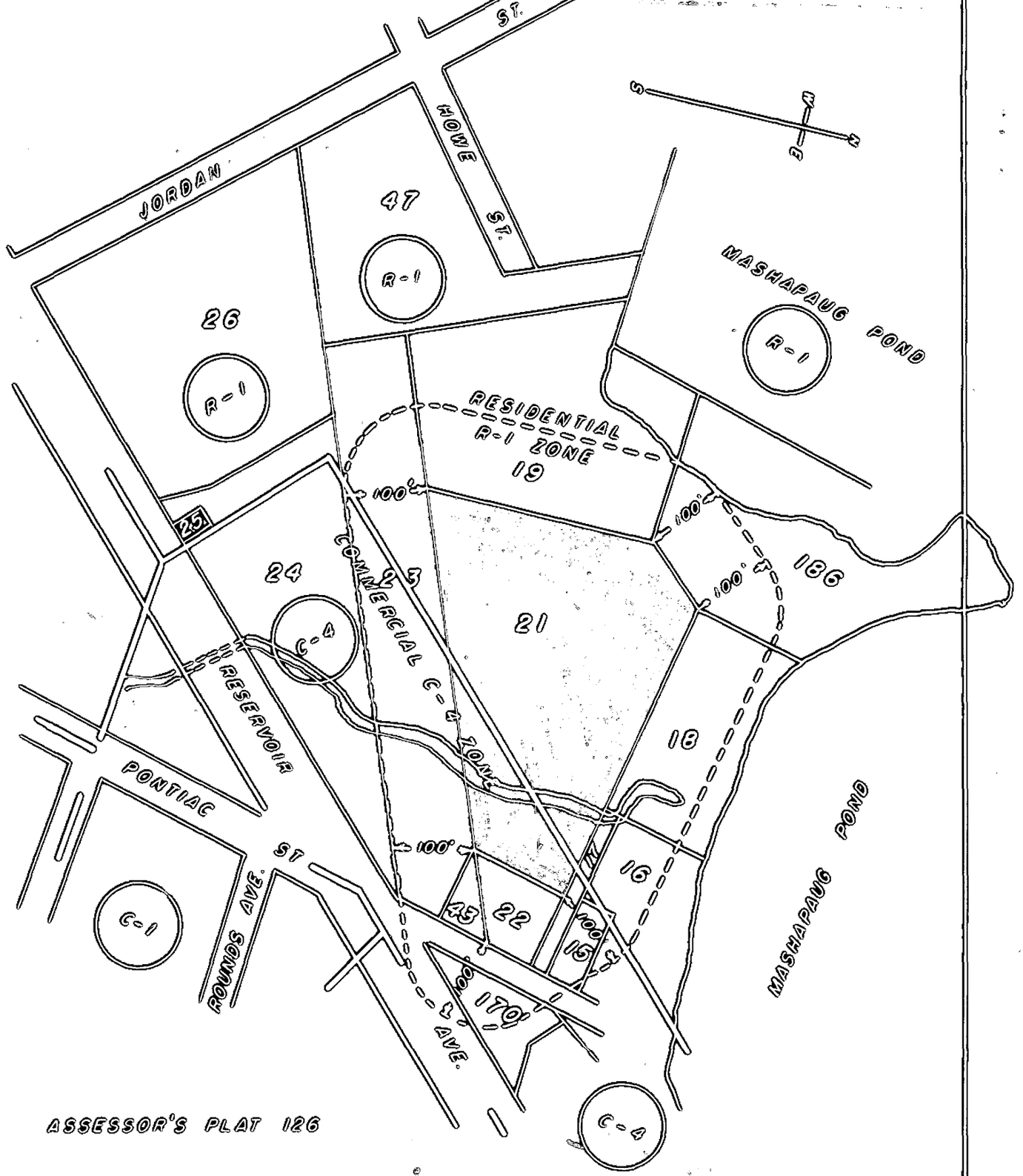
". . . . . all property is held in subordination to the right of its reasonable regulation by the government clearly necessary to preserve the health, safety, or morals (or general welfare) of the people. . . . . .

There is one matter that is quite certain, the power to thus regulate does not extend to an arbitrary, unnecessary, or unreasonable intermeddling with the private ownership of property, <u>even though such acts be labeled for the preservation of health, safety, and general welfare</u>. . . . . While such regulations may not physically take the property, they do so regulate its use as to deprive the owner of a substantial right therein without compensation."

ZONING CHANGE NO.

Shaded area to be changed from a Residential R-1 Zone to a Heavy Industrial M-2 Zone.

APRIL 21, 1953



ASSESSOR'S PLAT 126

Zoning Change No.

E. F. Toppi
1" = 160'

W.L.B.
4-21-53

William L. Barber