

CHAPTER 2020-25

No. 278 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 CERTAIN TEXT IN ARTICLE 12 REGARDING THE INCINERATOR/WASTE FACILITY USE CATEGORY

Approved September 14, 2020

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 making the following changes, with deletions struck out:

ARTICLE 12. USES

1200 Prohibited Uses

The following uses are expressly prohibited in all districts.

- a. Billboard/outdoor advertising.
- b. Halfway house.
- c. Industrial uses of the following types: abrasive, asbestos and miscellaneous nonmetallic mineral product manufacture; acid manufacture; agricultural chemicals including fertilizer manufacture; bulk storage of liquefied natural gas; cement, lime, gypsum or plaster of paris manufacture; creosote manufacture or treatment; drop forge industries; glue manufacture; leather and fur tanning and finishing; manufacture and storage of explosives; manufacture of noxious or toxic gases and chemicals; nuclear industries manufacturing; petroleum refining; primary metal industries; processing of sauerkraut, vinegar or yeast; pulp mills and paper mills; rendering or refining of fats or oils; rubber or gutta percha manufacture or treatment; tobacco and tobacco products manufacture.
- d. Landfill and garbage dump including offal or dead animal.
- e. Prison/correctional institution.
- f. Racetrack.
- g. Slaughterhouse, excluding the killing of fowl.
- h. Stock yard/feeding pen
- i. Waste incineration facility

1201 USE MATRIX

Table 12-1: Use Matrix																					
Key: P = Permitted // S = Special Use																					
Use	R-1A	R-1	R-2	R-3	R-4	R-P	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-M-U	I-1	I-2	P-S	O-S	C-D	Use Standard
Incinerator/Waste facility												P		P							


1204 Use Definitions

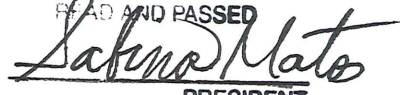
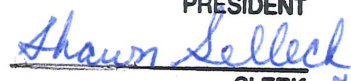
Incinerator/Waste Facility. A facility for the incineration and/or processing of waste, including sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency.

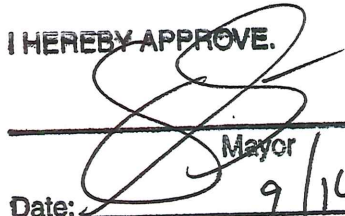
Waste Incineration Facility. A facility that disposes of, treats, processes, or recycles solid waste or medical waste through combustion, gasification, or pyrolysis, or exposes solid waste or medical waste to temperatures above 400 degrees Fahrenheit.

Waste Facility. A facility for the processing of waste, including sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency.

SECTION 2: This ordinance shall take effect upon passage.

IN CITY COUNCIL
JUL 16 2020
FIRST READING
READ AND PASSED
 CLERK

IN CITY
COUNCIL
SEP 03 2020
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK JZM

I HEREBY APPROVE.


Mayor
Date: 9/14/20



City Plan Commission
Jorge O. Elorza, Mayor

May 20, 2020

Councilwoman Jo-ann Ryan
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Shawn Selleck, City Clerk

Re: Referral 3472 – Petition to delete use of incinerator/waste facility

**Sponsors: Councilman Pedro J. Espinal, Councilwoman Helen D. Anthony,
Councilwoman Rachel M. Miller**

Dear Chairman Taylor,

The City Plan Commission (CPC) reviewed the above referenced ordinance change at a regular virtual meeting on May 19, 2020 and voted to recommend that the City Council deny the amendment based on their findings described below.

FINDINGS OF FACT

The sponsors are proposing to amend Table 12-1 of the zoning ordinance, pertaining to the use of Incinerator/Waste Facility. The subject use is prohibited in all zones except for W-3 and M-2. The amendment would delete the use from the table, effectively prohibiting it, as uses that are not included in the matrix are prohibited in all zones.

Per section 1204 of the ordinance, the subject use is defined as, *'A facility for the incineration and/or processing of waste, including sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency.'*

Based on the definition, an Incinerator/Waste Facility cannot be operated by a private entity. Further, all such facilities are regulated by the Rhode Island Department of Environmental Management (RIDEM).

The CPC found passage of the amendment concerning, as it would render any existing facilities, like the transfer station operated by the Department of Public Works (DPW), or the Narragansett Bay Commission's (NBC) sewage treatment plant, nonconforming. They would thus be prohibited from being altered or expanded. As private facilities are already prohibited, and there is an existing structure for operation and maintenance of public facilities, the CPC was not in favor of amending the ordinance.

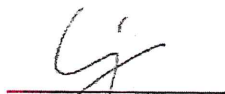
DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

RECOMMENDATION

Upon a motion by Commissioner Gazdacko, seconded by Commissioner Potter, the CPC voted as follows to recommend that the City Council deny the proposed amendment:

M. Gazdacko AYE; C. Potter AYE; M. Quezada AYE; C. West AYE; H. Bilodeau AYE; L. Torrado AYE

Sincerely,



Administrative Officer
Choyon Manjrekar