

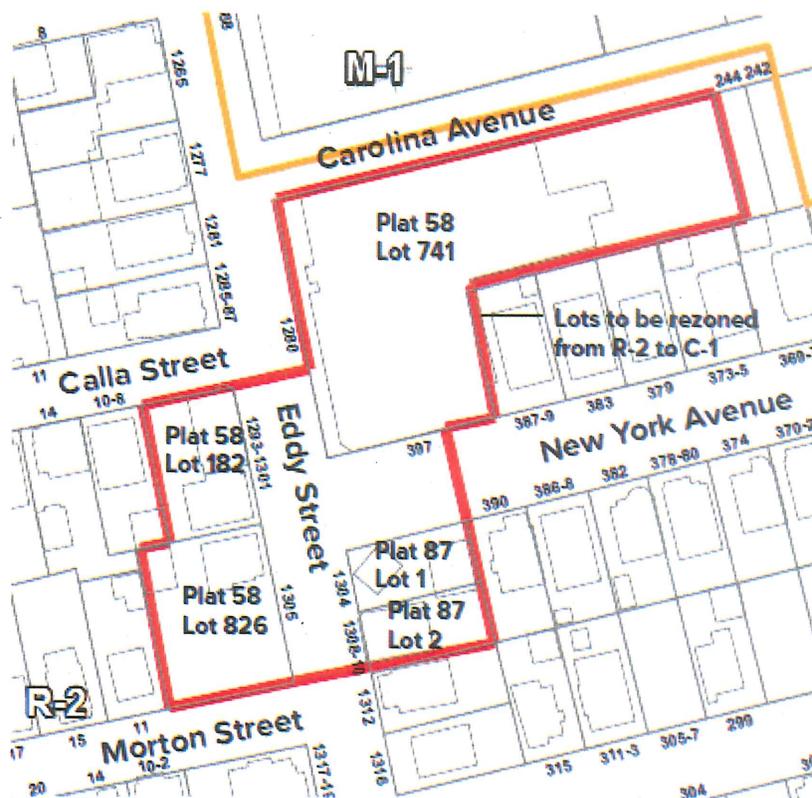
CHAPTER 2018-15

No. 279 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 OFFICIAL ZONING MAP FOR PLAT 58, LOTS 182, 741, AND 826 AS WELL AS PLAT 87, LOTS 1 AND 2 FROM R-2 TO C-1

Approved April 20, 2018
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 for plat 58, lots 182, 741, and 826 as well as plat 87, lots 1-2 from R-2 to C-1, as shown on the accompanying map.

SECTION 2: This Ordinance shall take effect upon passage.



IN CITY COUNCIL
APR 05 2018
FIRST READING
READ AND PASSED

Lowell Hayes
CLERK

IN CITY
COUNCIL
APR 19 2018
FINAL READING
READ AND PASSED

David A. Santilli
PRESIDENT
Lowell Hayes
CLERK

I HEREBY APPROVE.

[Signature]
Mayor
Date: 4/20/18



Legend

Zone Boundaries

Parcel Lines

Plat Boundaries



BROAD ST

MORTON ST

EDDY ST

NEW YORK AVE

CAROLINA AVE

GEORGIA AVE

BROOM ST

CALLA ST

JILLSON ST

HOMER ST

PS

M-1

R-2

58

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87

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City Plan Commission
Jorge O. Elorza, Mayor

March 6, 2018

Councilman Terrence M. Hassett
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Lori Hagen, City Clerk

Re: Referral 3425-Petition to rezone AP 58 Lots 182, 741 and 826 and AP 87 Lots 1 and 2 from R-2 to C-1

Proponent: Councilman Luis Aponte

Dear Mr. Hassett,

The City Plan Commission (CPC) reviewed the petition to rezone AP 58 Lots 182, 741 and 826 and AP 87 Lots 1 and 2 from R-2 to C-1. The CPC voted as described below to make certain findings of fact and to recommend that the petition be approved subject to certain conditions.

FINDINGS OF FACT

The subject lots are located along Eddy Street, which runs north to south. The CPC found that a mix of uses from industrial to heavy commercial and residential can be observed along the length of the street. An M-1 zone is located to the north and a C-2 zone is located to the south of the subject lots, which are also located east of a C-2 zone on Broad Street.

The CPC found that the uses on the subject lots are nonconforming for the R-2 zone. These include general retail, an auto business, a day care and light manufacturing. The CPC found that the proposed rezoning would not have a negative effect on adjacent property given the mixed use character of the neighborhood and due to the fact that these uses have existed for a number of years without any apparent negative effects. Given the uses allowed under C-1 zoning, the CPC found that the rezoning is not expected to result in a significant departure from the current use of the subject properties. Rezoning to C-1 would be appropriate for these properties as they would conform to the new zoning.

Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—Eddy Street is intended to be one where neighborhood commercial,

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residential and business/mixed 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.

The CPC found that rezoning would be appropriate given the character of the surroundings and that it 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

Upon a motion made by Commissioner Bilodeau, seconded by Commissioner Elliott, the CPC voted as follows to recommend that the City Council approve the proposed zone change:

M. Gazdacko, AYE; H. Bilodeau AYE; N. Verdi AYE; Luis Torrado AYE; J. Opton-Himmel AYE; J. Elliott AYE

Sincerely,



Choyon Manjrekar
Administrative Officer

CC: Councilman Luis Aponte



CITY OF PROVIDENCE

Jorge O. Elorza, Mayor

April 5, 2018

The Honorable Terrence M. Hassett
Chair, Committee on Ordinances
25 Dorrance Street
Providence, RI 02903

Dear Councilman Hassett and Members of the Committee on Ordinances:

This is in response to your request for a staff opinion regarding the licensing of establishments before the Board of Licenses, how the Board handles concerns of the neighborhood, restrictions to regulate establishments and recommended hours of operation in a residential area. I have summarized your concerns in italics and added my responses below to each area of concern.

1. *The licensing of establishments before the Board of Licenses.*

For purposes of responding to this request, the following types of businesses are required to have a license that is issued by the Board: adult entertainment, amusement center, commercial parking, employment agency, food, holiday, junk, laundry and dry cleaning, liquor, motor vehicle repair, pawnbroker, petro storage, second-hand auto, second-hand store, tobacco dealer and business operating between 1 AM and 4 AM. Of these licenses, the following must be advertised and abutters within 200-foot radius notified: liquor, amusement, motor vehicle repair, second-hand auto sales, second-hand store and junk dealers. There is no process of notification to abutters for all other licenses granted by the City. In compliance with the Open Meetings Act, all matters before the Board are posted a minimum of 48 hours in advance of each hearing. The Board of Licenses' docket may be viewed on the Rhode Island Secretary of State's website and the City of Providence's open meetings portal.

2. *How the Board handles concerns of the neighborhood.*

At hearings regarding the issuance of a new license or a transfer of license, members of the public may address Commissioners and express their objection or support of the issuance of a license. For community members not able to attend in person, a letter may be submitted to the Licensing staff in advance of the hearing for the Board's consideration.

3. *Restrictions to regulate establishments and recommended hours of operation in a residential area.*

It is within the Board's discretion to establish rules regulating hours of operation, noise levels, expansion of premises and other factors depending on the business to avoid negatively impacting the

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PROVIDENCE CITY HALL / 25 DORRANCE STREET, ROOM 104
PROVIDENCE, RHODE ISLAND 02903
401 680-5000 / 401 272-2430 FAX
www.providenceri.com

neighborhood. A few examples of such regulations within the last year that the Board has ordered include limiting the hours of operation of an outdoor patio, installation of noise mitigation technologies in a nightclub and restricting hours of entertainment.

The information contained within this letter is on behalf of the License Administrator and not the Commissioners of the Board of Licenses.

Sincerely,


Heather Kilkenny
License Administrator