

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2008-34

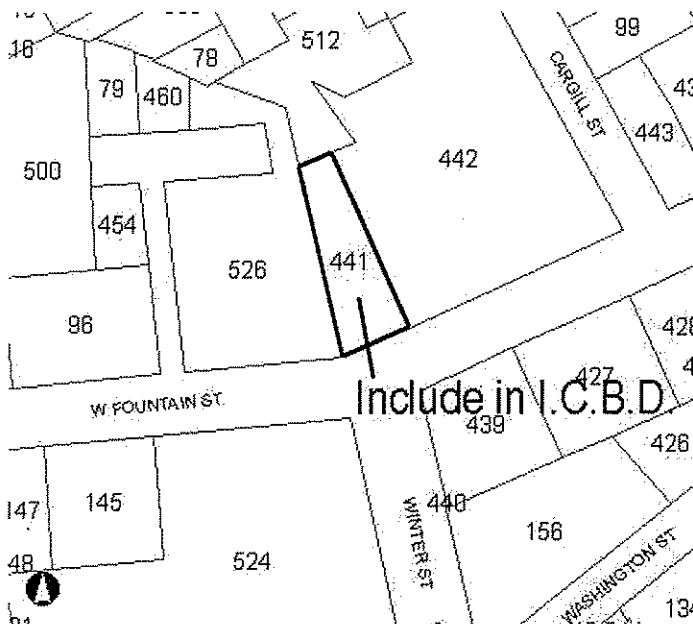
No. 275 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED, TO APPLY THE INDUSTRIAL AND COMMERCIAL BUILDINGS DISTRICT (I.C.B.D.) TO MAP 29, LOT 441 (391 WEST FOUNTAIN STREET).

Approved June 27, 2008

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 hereby further amended, as shown on the accompanying map, by applying the Industrial and Commercial Buildings District (I.C.B.D.) to Map 29, Lot 441 (391 West Fountain Street) of the City of Providence Official Zoning Maps – Overlay Zoning Districts.

SECTION 2. This Ordinance shall take effect upon passage and publication as prescribed by law.



IN CITY COUNCIL
JUN 5 2008
FIRST READING
READ AND PASSED

Ann M. Hite
CLERK

IN CITY
COUNCIL
JUN 19 2008
FINAL READING
READ AND PASSED

Paul S. Mancini
PRESIDENT
Ann M. Hite
CLERK

APPROVED

John J. White
MAYOR 6/27/08



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

February 13, 2008

Honorable Michael Solomon, Chair
Ordinance Committee
Providence City Hall
25 Dorrance Street
Providence, RI 09203

Attn: Anna Stetson, City Clerk

Re: CPC Referral No. 3299: Petition for Zoning Map amendment to include 391 West Fountain Street, Lot 441 on Assessor's Plat 29, in the Industrial and Commercial Buildings District (ICBD)

Dear Councilman Solomon:

At a regular meeting of the City Plan Commission (CPC) on January 15, 2008, 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

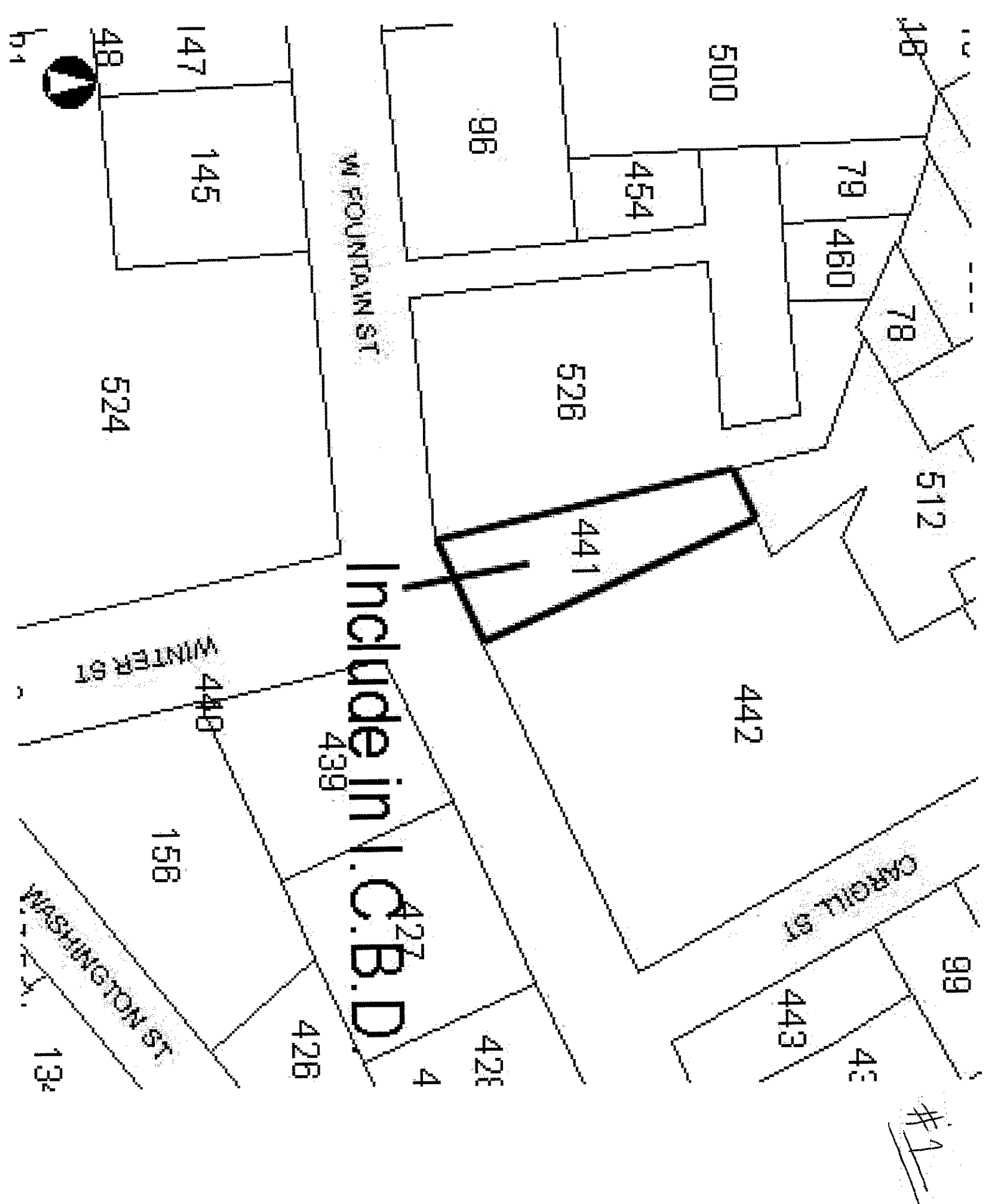
Article XI of the Zoning Ordinance requires that in order for the CPC to make a positive recommendation on amendments to the Ordinance, it must demonstrate consistency with the Comprehensive Plan and with the purposes of zoning as listed in Section 100 of the Ordinance.

1. The proposed Zoning Map amendment is consistent with the *Providence Tomorrow – The Interim Comprehensive Plan* and the Preservation 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 Commission recommends approval of this amendment.

400 WESTMINSTER STREET - PROVIDENCE, RHODE ISLAND 02903-3215 - (401)351-4300 - FAX (401)351-9533
e-mail: planning@providenceri.com or visit us on the web at: www.providenceri.com/planning

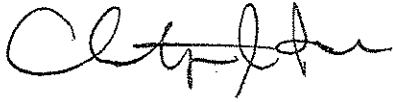


Include in I.C.B.D.

#1

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Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Ise', written in a cursive style.

Christopher J. Ise
Administrative Officer

cc: Mark Van Noppen, Petitioner

PETITION

November 28, 2007

To: The Honorable Providence City Council

WHEREAS, West Fountain Lofts, LLC (the "Petitioner") is the owner of certain real property located at the address of 381 West Fountain Street, Providence, RI (Assessor's Plat 29 Lot 442) and at the address of 391 West Fountain Street, Providence, RI (Assessor's Plat 29 Lot 441); and

WHEREAS, pursuant to the Article V of the Zoning Ordinance for the City of Providence, entitled "Special Zones" there was established the Industrial And Commercial Buildings District Overlay wherein the demolition and/or alteration of the exterior of certain historically significant buildings in the City of Providence is restricted and subject to the review procedures of the Historic District Commission; and

WHEREAS, the building owned by the Petitioner at 381 West Fountain Street was designated an historic structure within the Industrial And Commercial Building Overlay District and was so included within the survey utilized for creating the Overlay and designating the structure as an historic building therein; and

WHEREAS, the building owned by the Petitioner at the address of 391 West Fountain Street, is physically connected to the building at the address of 381 West Fountain Street, however, the buildings sit on separate tax assessor's lots; and

WHEREAS, at the time that the building at 381 West Fountain Street was designated as an historic building within the Industrial And Commercial District Overlay, the building at 391 West Fountain Street was to have been included within that designation; and

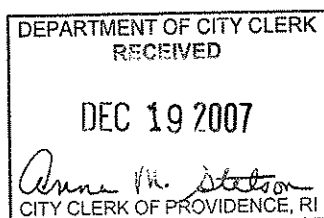
WHEREAS, the physical description of the buildings at 381 West Fountain Street and 391 West Fountain Street was originally combined in the description of the buildings at the address of 381 West Fountain Street on the Providence Preservation Society inventory of Industrial And Commercial historic buildings; and

WHEREAS, the intent of the departments and organizations responsible for identifying the appropriate buildings was to include the building at 391 West Fountain Street along with its adjoining and connected building at 381 West Fountain Street as an historic building within the Industrial And Commercial Building District Overlay. See attached Letter from former Director of Providence Preservations Services, Mary Kate Harrington with attachments; and

WHEREAS, by mistake or inadvertence, the building at 391 West Fountain Street was omitted from the list of historic structures within the Industrial And Commercial Building District Overlay; and

WHEREAS, the inadvertent omission of the building at 391 West Fountain Street from the survey as an historic building prevents the building from qualifying for the State Historic Tax Credit Program and, therefore effectively eliminates this historic structure as a candidate for rehabilitation and restoration.

NOW THEREFORE, your Petitioner respectfully requests that the Honorable City Council for the City of Providence make a technical correction to the survey and list of buildings with historic designation within the Industrial And Commercial Building District Overlay to include the building with the address of 391 West Fountain Street, Assessor's Plat 29 lot 441, Providence, RI and for such other and further relief as this Honorable Council deems just and proper.



RESPECTFULLY SUBMITTED

WEST FOUNTAIN LOFTS, LLC

By: 
Mark Van Noppen
Authorized Member

West Fountain Lofts, LLC

Sovereign Bank

Check #1150

\$150.00