

CHAPTER 2018-69

No. 546 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 USE MATRIX IN ARTICLE 12 TO ALLOW DAYCARE USES IN THE M-MU ZONE

Approved November 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 making the following changes to the Use Matrix of Article 12, Section 1201, with additions underlined:

ARTICLE 12. USES																					
1201		USE MATRIX																			
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-MU	I-1	I-2	P-S	O-S	C-D	Use Standard
Day Care - Day Care Center, up to 8 people receiving day care	P	P	P	P	P	P	P	P	P	P	P		P		P						Sec. 1202.1
Day Care - Day Care Center, 9 to 12 people receiving day care	S	S	S	S	S	S	P	P	P	P	P		S		P	P	P				Sec. 1202.1
Day Care - Day Care Center, more than 12 people receiving day care						S	P	P	P	P	P		P		P	P	P				Sec. 1202.1

SECTION 2: This ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 01 2018
FIRST READING
READ AND PASSED
Clerk

IN CITY COUNCIL
NOV 15 2018
FINAL READING
READ AND PASSED
President
Clerk

I HEREBY APPROVE.
Mayor
Date: 11/20/18

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

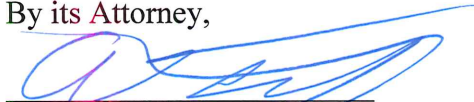
I, Andrew M. Teitz, Attorney for Olneyville Housing Corporation, d/b/a One Neighborhood Builders (“ONB”), hereby petition the City Council for a text amendment to the Zoning Ordinance that would allow the use of ‘Day Care - Day Care Center, more than 12 people receiving day care’ by right in the M-MU Mixed-use Industrial Zoning District (the “M-MU Zone”) as shown on Exhibit A attached hereto.

ONB is requesting this amendment in connection with a planned major land development project known as ‘King Street Commons.’ The project will consist of 30 affordable dwelling units located on King Street and Salmon Street in Olneyville. The project also includes a proposed daycare facility in a newly-constructed building at 50 Salmon Street. This building is proposed to contain four dwelling units located above the daycare center. The daycare component of the project is expected to serve as an important component of this mixed-use development, facilitating the ability of the inhabitants to seek and maintain employment. As required by the Zoning Ordinance, the daycare center will comply with all applicable state and federal regulations and the operator will be licensed by the State of Rhode Island.

The use of ‘Day Care – Day Care Center, more than 12 people receiving day care’ is allowed by right in commercial and institutional zoning districts, the D-1 Downtown District, the W-2 Mixed-Use Waterfront District, and the M-1 Light Industrial District. This use is not permitted in the M-MU zone. Section 800(A) of the Zoning Ordinance states that the M-MU Mixed-Use Industrial District “is intended to encourage the reuse of older industrial buildings, and compatible new development, for mixed-use environment of light industrial use and a variety of other non-industrial uses, such as live/work dwellings, higher density residential, commercial, and limited institutional uses.” Because the M-MU Zone is intended for residential and mixed-use development, a daycare center is a compatible use for this zoning district. Other uses that are permitted in the M-MU Zone, and those uses that are actually in existence in the area of the planned development, are compatible with a daycare center. The Amendment will be in conformance with the Comprehensive Plan. Thank you for your consideration of this request.

OLNEYVILLE HOUSING CORPORATION, d/b/a ONE NEIGHBORHOOD BUILDERS

By its Attorney,



Andrew M. Teitz, Esq., AICP
Ursillo, Teitz & Ritch, Ltd.
2 Williams St.
Providence, RI 02903
zoning@utrlaw.com
401-331-2222

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Ursillo, Teitz & Ritch, Ltd.

Counsellors At Law

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September 12, 2018

Lori L. Hagen, City Clerk
Providence City Hall
25 Dorrance St.
Providence, RI 02903
Via Hand Delivery

Re: Petition to the City Council for Zone Change – For September 20 Meeting Agenda

Dear Ms. Hagen:

On behalf of my client, Olneyville Housing Corporation, d/b/a One Neighborhood Builders, enclosed please find a Petition to the City Council for an amendment to the Zoning Ordinance. Also enclosed is a check in the amount of \$150 representing the filing fee. Please note that this is a TEXT AMENDMENT and not a map amendment, so a radius map and abutters list are not necessary. The only notice will be the usual Open Meetings Act notice and 3 weeks of advertising in the paper.

Please confirm that this will be on the September 20 agenda for referral to the Ordinance Committee, and don't hesitate to call me or Amy Goins of my office with any questions. Thank you for your attention to this matter.

Sincerely,

URSILLO, TEITZ & RITCH, LTD.

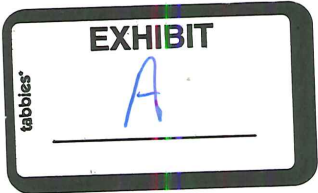


Andrew M. Teitz, Esq., AICP

Enclosure

cc: Jennifer Hawkins
Robert Azar, Deputy Director, Department of Planning & Development
Hon. David Salvatore, City Council President

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- 1. Any use that is not included in the use matrix is prohibited in all districts.
- 2. 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.

1201 USE MATRIX

Table 12-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district. P indicates that the use is permitted in the district. S indicates that the use is a special use in the district and requires a special use permit. If a cell is blank, the use is not allowed in the district. In the case of temporary uses, a P indicates the temporary use is allowed in the district and requires approval of a temporary use permit. All uses shall comply with the use standards of Sections 1202 and 1203, as applicable, as well as all other regulations of this Ordinance. For accessory uses, please see Sections 1302 and 1303.

Table 12-1: Use Matrix																	
Use	Key: P = Permitted // S = Special Use																
	R-1A	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2
Adult Use													P	P			
Amusement/Entertainment/Sports Facility - Indoor							S	P	P	P	P		S		P	P	P
Amusement/Entertainment/Sports Facility - Outdoor								S	P		S		S		S	P	P
Animal Care Facility							P	P	P	S	P				P		
Apartment Dormitory										P							
Art Gallery						P	P	P	P	P	P				P	P	
Arts Studio						P	P	P	P	P	P				P	P	
Automated Teller Machine - Standalone							P	P	P	P	P	P	P	P	P	P	
Bar							S	P	P	P	P	P	P		P	P	
Bed and Breakfast				S	S					P	P				S		
Body Modification Establishment							P	P	P	P	P				P		
Broadcasting Facility TV/Radio - With Antennae									P				P		P	P	
Broadcasting Facility TV/Radio - Without Antennae							P	P	P	P	P		P		P	P	
Car Wash									S				S				
Cemetery																	
Community Center	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Community Residence – Type I	P	P	P	P	P	P	P	P	P	P	P				P	P	
Community Residence – Type II	S	S	S	S	P	P	P	P	P	P	P				P	P	
Compassion Center/Cultivation Center									S				P				
Conservation Area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Contractor Storage Yard									S			P	P	P			
Country Club	S	S	S	S	S												
Cultural Facility	P	P	P	P	P	P	P	P	P	P	P				P	P	P
Day Care - Day Care Center, up to 8 people receiving day care	P	P	P	P	P	P	P	P	P	P	P		P				
Day Care - Day Care Center, 9 to 12 people receiving day care	S	S	S	S	S	S	P	P	P	P	P		S			P	P
Day Care - Day Care Center, more than 12 people receiving day care						S		P	P	P	P		P		P	P	P
Day Care - Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P						
Drive-Through Facility								S	P								
Dwelling – Accessory Dwelling Unit	P	P	P	P	P	P							S	S	S	P	P



City Plan Commission
Jorge O. Elorza, Mayor

September 24, 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 3438-Petition to amend the zoning ordinance to permit Day Care-Day Care Center by right in the M-MU zone

Petitioner: One Neighborhood Builders

Dear Chairman Hassett,

The petitioner is requesting that the zoning ordinance be amended to allow the use of day care-day care center by right in the M-MU zone. The CPC voted as described below to make certain findings of fact and to recommend that the ordinance be amended accordingly.

FINDINGS OF FACT

Per the Zoning Ordinance, a day care-day care center is, "Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to more than six individuals who are not relatives of the care giver." The amendment would permit day care-day care center for up to eight, 9 to 12 and 12 or more people by right in the M-MU zone. Day Care for up to eight people is permitted by right in residential and commercial zones and the M-1 zone, but prohibited in the M-MU zone. Day Care for 9-12 people is permitted by right in commercial zones, by special use permit in residential zones and the M-1 zone and but prohibited in the M-MU zone. Day Care for more than 12 people is prohibited in residential zones, permitted by right in commercial zones and the M-1 but prohibited in M-MU zones.

The M-MU zone is intended to encourage the reuse of older industrial buildings for mixed use, light industrial use, high density residential and commercial use. Per the future land use map of the comprehensive plan, the M-MU zone corresponds with the business/mixed-use land use designation which is intended to foster the expansion of business, industrial, commercial, office and medium-to-high density residential uses into former manufacturing areas and historic mill buildings. A variety of businesses, financial, commercial and related uses are encouraged.

DEPARTMENT OF PLANNING AND DEVELOPMENT

444 Westminster Street, Providence, Rhode Island 02903

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Based on the intent of the zone and intended future land use, the CPC found that inclusion of day care as a permitted use for eight, 9-12 and 12 or more people would conform to the type of activity encouraged by the zoning ordinance and comprehensive plan. Given the relatively intense mix of uses permitted in the M-MU zone, the CPC found that it would be appropriate to include day care as a permitted use as the zone includes buildings and facilities that can accommodate day care uses. As residential uses are permitted in the M-MU zone, the CPC found that presence of day care centers could be an amenity that residents can avail of.

Based on the foregoing discussion, the CPC found that allowing day care facilities for 8, 9-12 and 12 or more people in the M-MU zone is appropriate as it would be in character with the type of development intended by the future land use map of the comprehensive plan. The CPC found that including the use within the M-MU zone would be in character with what is currently permitted. The CPC found that the change 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 CPC voted unanimously to recommend that the City Council approve the amendment to the ordinance to permit the use of Day Care—Day Care Center for up to 8, 9-12 and 12 or more people in the M-MU zone, finding the amendment to be in conformance with the Comprehensive Plan and the purposes of zoning.

Sincerely,



Choyon Manjrekar
Administrative Officer

CONFIDENCE: BT
DATE: 09/20/18
3010 26h Sp V II 30
BIFED