



**Committee on Ordinances**  
**Regular Meeting**

~ Agenda ~

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**Tuesday, January 12, 2016**

**5:30 PM**

**Committee "A" (City Hall 3rd Floor)**

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1. An Ordinance in Amendment of Chapter 27 of the 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 2, 5, 12, 14, 16 and 20, and to Amend the Official Zoning Map.
  
2. An Ordinance in Amendment of Chapter 23, "Streets, Sidewalks and Public Places," Section 23-13, "Removal of Snow-Required"
  
3. An Ordinance clarifying the responsibility of property owners and the city to remove snow and ice from sidewalks.
  
4. Communication from Susann G. Mark, Chairwoman, Providence Ethics Commission, dated October 8, 2015, submitting the Providence Ethics Commission's advisory opinion process for the City Council's consideration, approved by the Commission during its October 7, 2015 meeting.
  
5. Communication from Lisa Carnevale, Chair of the Providence Harbor Management Commission, submitting the final 2016-2021 Harbor Management Plan (HMP) for the City of Providence.

**PER ORDER THE COMMITTEE ON ORDINANCES**  
Councilman Terrence M. Hassett, Chairman

**The foregoing Committee may seek to enter into Executive Session.**

**Offices and City Council Chambers are accessible to individuals with disabilities. If you are in need of interpreter services for the hearing impaired, please contact the Office of Neighborhood Services at 421-7768 not less than 48 hours in advance of the hearing date.**

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE 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 2, 5, 12, 14, 16 AND 20, AND TO AMEND THE OFFICIAL ZONING MAP**

*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 additions underlined and deletions struck out:

### ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

#### 202 RULES OF MEASUREMENT

##### **F. Impervious Surface Coverage**

Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Regardless of the surface treatment, all areas designated or used for parking or access to parking shall be considered impervious surfaces.

##### **L. Lot Line**

1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot ~~is the shortest street~~may be any one of the lot lines of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.

4. A corner side lot line is a lot line that is perpendicular or approximately perpendicular to the front lot line ~~and which is the longer street abutting lot line of a corner lot.~~

##### **O. Yards and Setbacks**

##### **4. Rear Yard and Rear Setback**

A rear yard is located between a principal building line and the rear lot line. A rear setback is the required minimum distance per the zoning district that a principal building shall be located from the rear lot line. The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback for the lot, measured perpendicular to the rear lot line.

### ARTICLE 5. COMMERCIAL DISTRICTS

#### **3. Fenestration**

**a.** Ground floor facades shall contain a total area of transparency of 50% or more of the wall area of the ground floor, measured between two and nine feet above the adjacent grade. This requirement shall not apply to the portions of building facades that front on side lot lines on corner lots. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and is not subject to the ground floor transparency minimum. Multi-family dwellings are not subject to the ground floor transparency minimum.

### ARTICLE 12. USES

#### **1204 USE DEFINITIONS**

**Community Residence – Type I.** A home or residential facility licensed by the state pursuant to

Rhode Island General Laws Chapter 24 of Title 40.1, where six or fewer children and/or adults with developmental disabilities reside in a family setting and may or may not receive supervised care. This does not include halfway houses or substance abuse treatment facilities. ~~Whenever six or fewer children or adults with retardation reside in any type of residence in the community, as licensed by the state pursuant to Rhode Island General Laws Chapter 24 of Title 40.1, all requirements pertaining to local zoning are waived for these community residences.~~

**Community Residence – Type II.** A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This does not include halfway houses or substance abuse treatment facilities. This ~~does include, but is not limited,~~ to the following:

1. A group home providing care or supervision, or both, to not more than eight persons with disabilities, and licensed by the state pursuant to Rhode Island General Laws Chapter 24 of Title 40.1.
2. A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver and licensed by the state pursuant to Rhode Island General Laws Chapter 72.1 of Title 42.
3. A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than 60 days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

**Dwelling - Multi-Family.** A structure or development containing four or more ~~attached~~ dwelling units used for residential occupancy or one or more dwelling units in combination with a permitted non-residential use. A multi-family dwelling does not include a rowhouse dwelling.

#### ARTICLE 14. OFF-STREET PARKING AND LOADING

**Table 14-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS**

TABLE 14-1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS			
USE	MINIMUM REQUIRED VEHICLE SPACES	MINIMUM REQUIRED BICYCLE SPACES	
		REQUIRED TOTAL BICYCLE SPACES	PERCENTAGE OF REQUIRED BICYCLE SPACES THAT SHALL BE LONG-TERM SPACES
Industrial - General	1 per <del>5 employees</del> 1,000sf GFA <del>If warehouse space included, then 1 per 10,000sf GFA of warehouse space</del>	1 per <del>5 employees</del> 5,000sf GFA	50%
Industrial - Light	1 per <del>5 employees</del> 1,000sf GFA <del>If warehouse space included, then 1 per 10,000sf GFA of warehouse space</del>	1 per <del>5 employees</del> 5,000sf GFA	50%

#### ARTICLE 16. SIGNS

**Figure 16-9, second annotation:** Maximum 2 square feet per linear foot of building wall where the wall signs will be mounted ~~façade or 40 square feet, whichever is greater.~~

#### ARTICLE 20. NONCONFORMITIES

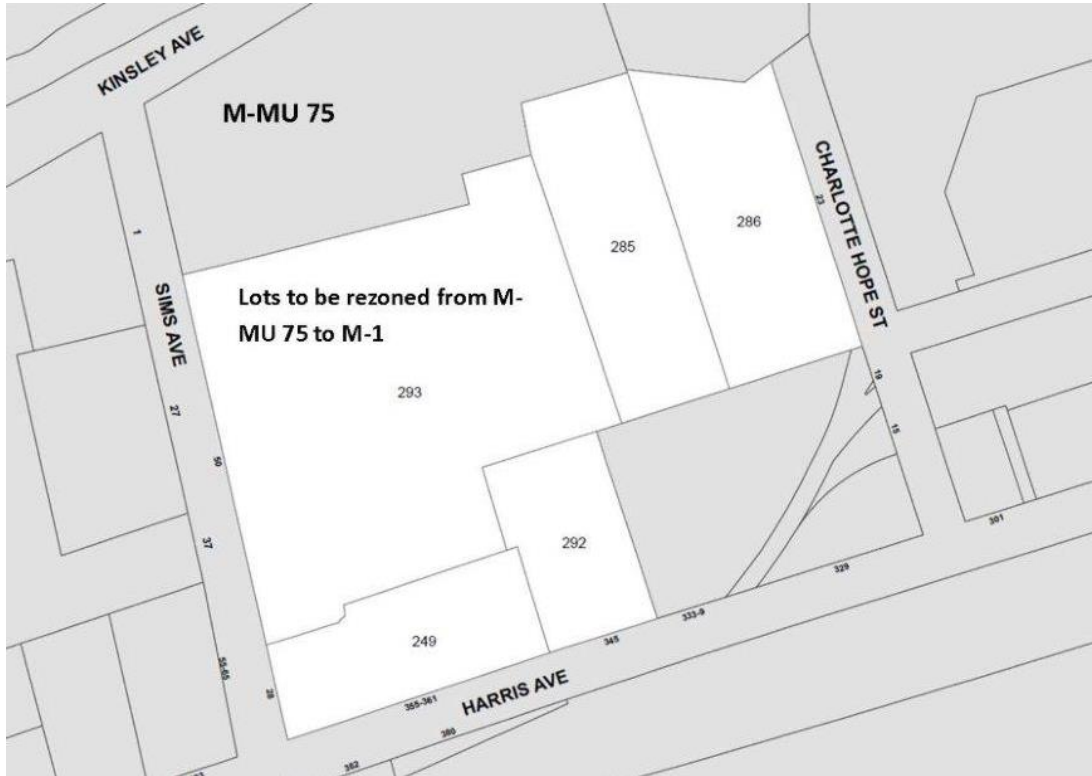
##### 2000 GENERAL APPLICABILITY

##### D. RELATIONSHIP TO VARIANCES AND SPECIAL USE PERMITS

Any use or dimensional variation that does not conform to this ordinance and which exists by virtue of a special use permit, use variance or a dimensional variance, granted by the Zoning Board of Review shall not be considered a nonconformity for the purposes of this Section. Such use or dimensional variation shall be considered a use by special use permit, use variance or dimensional variance, respectively. Any moving, addition, enlargement, expansion, intensification or change of such use to any use other than a permitted use shall require an application for a special use permit or variance from the Zoning Board of Review, in accordance with this ordinance.

**SECTION 2:** The official zoning map shall be amended as follows:

The zoning for Plat 27, Lots 249, 285, 286, 292 and 293, as indicated on the attached map, shall be changed from M-MU to M-1.



**SECTION 3:** This ordinance shall take effect upon passage.

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**CHAPTER**

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 23,  
“STREETS, SIDEWALKS AND PUBLIC PLACES,” SECTION  
23-13, “REMOVAL OF SNOW-REQUIRED”**

*Be it ordained by the City of Providence:*

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 23, “Streets, Sidewalks and Public Places,” Section 23-13, “Removal of Snow-Required,” is hereby amended as follows:

Sec. 23-13. Removal of snow and ice-Required.

(a) All owners, ~~occupants~~ or persons, having care of any property building or lot bordering upon any street, highway or public place within the city, shall, within the first eight (8) hours of daylight after the end of any snowfall, or the fall or deposit of snow or ice on the sidewalk of said building or lot from any cause whatsoever:

~~(a)~~ (1) Remove or cause to be removed all snow or ice from a path not less than three (3) feet in width of the entire border in or on said street, highway, or public place, including pedestrian access ramps cut into street curbs bordering said property, and provide for the treatment of any snow or ice remaining on any shoveled sidewalk, with sand, salt or other suitable material;

~~(b)~~ (2) Remove or cause to be removed all snow or ice from around any fire hydrant on the sidewalk ~~in front of~~ bordering said building or lot property; and

~~(c)~~ (3) Remove or cause to be removed all snow or ice from the opening of any catch basin in the sidewalk of said ~~building or lot property;~~

~~(d) Remove or cause to be removed all snow from pedestrian access ramps cut into street curbs bordering said building or lot;~~

(b) Any person found guilty of violating this section shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each calendar day upon which such snow, or ice is not removed or treated as herein provided. The enforcement of the above shall be done by the ~~city~~-police department and/or an inspector or supervisor of the ~~city~~-public works department. Failure to pay the fine within thirty (30) days will result in the creation of a special lien against the said ~~lot(s)~~property, which lien shall be removed only upon payment of the fine plus an administrative penalty of one hundred dollars (\$100.00). The imposition of such fine and other charges may be appealed to municipal court within ten (10) days of the issuance of a written citation.

In addition to the fine, the public works department may remove or cause such snow or ice to be removed or treated, and the owner shall reimburse the city for the expense incurred for such removal or treatment. The city may also impose a municipal charges lien on the property pursuant to R.I. G.L. § [insert].

(c) The city shall establish a public education effort to inform owners of their responsibilities under section 23-13. Educational information and materials shall cite the importance of clear sidewalks for pedestrian access, as well as the city’s commitment to ensuring safe travel for children walking to school, the elderly, and for persons with disabilities. The city also shall establish policies to assist elderly property owners and property owners with disabilities in meeting the requirements of section 23-13.

SECTION 2. This ordinance shall take effect upon passage.

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER

No.        **AN ORDINANCE CLARIFYING THE RESPONSIBILITY OF PROPERTY OWNERS AND THE CITY TO REMOVE SNOW AND ICE FROM SIDEWALKS**

*Be it ordained by the City of Providence:*

**Section 1:     That Sections 23-13, 23-16 and 23-17 of the Code of Ordinances be amended as follows:**

Sec. 23-13. - Removal of snow-Required.

All owners, occupants or persons, having care of any building or lot bordering upon any street, highway or public place within the city, shall, within the first eight (8) hours of daylight after the end of any snowfall, or the fall or deposit of snow on the sidewalk of said building or lot from any cause whatsoever:

- (a) Remove or cause to be removed all snow from a path not less than three (3) feet in width of the entire border in or on said street, highway, or public place **including, for corner lots, the portion(s) of the sidewalk extending past the building or lot to and including the street curb ;**
- (b) Remove or cause to be removed all snow from around any fire hydrant on the sidewalk in front of said building or lot;
- (c) Remove or cause to be removed all snow from the opening of any catch basin in the sidewalk of said building or lot;
- (d) Remove or cause to be removed all snow from pedestrian-access ramps cut into street curbs bordering said building or lot;

Any person found guilty of violating this section shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). The enforcement of the above shall be done by the city police department and/or an inspector or supervisor of the city public works department. Failure to pay the fine within thirty (30) days will result in the creation of a special lien against the said lot(s), which lien shall be removed only upon payment of the fine plus an administrative penalty of one hundred dollars (\$100.00). The imposition of such fine and other charges may be appealed to municipal court within ten (10) days of the issuance of a written citation.

Sec. 23-16. - Removal of ice from sidewalks, required.

Whenever the sidewalk or any part thereof adjoining any building or lot of land on any street shall be encumbered with ice, it shall be the duty of the owner, occupant or any person having the care of such building or lot, to cause such sidewalk **including, for corner lots, the portion(s) of the sidewalk extending past the building or lot to and including the street curb,** to be made safe and convenient by removing the ice therefrom, or by covering the same with sand or some other suitable substance.

Sec. 23-17. - Removal of snow and ice on sidewalks adjoining city property.

- (a) Sidewalks adjoining property belonging to or occupied by the city shall be cleared of snow under the direction of the department, committee or officer of the city having by ordinance or statute the care, custody or use of such property. Whenever the sidewalk or any part thereof adjoining any property belonging to or occupied by the city shall be encumbered with ice, the department, committee or officer of the city having by ordinance or statute the

care, custody or use of such property, shall cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance. **For corner lots, this requirement will include the portion(s) of the sidewalk extending past the building or lot to and including the street curb**

- (b) The expense of any such work shall be paid from the appropriation for the support of such department. In case any such department, committee or officer has no janitors or employees available to do said work, the superintendent of public buildings may, upon request of such department, committee or officer, cause said work to be done, the expense thereof to be charged to the appropriation for such department, committee or officer.



PROVIDENCE ETHICS COMMISSION

Susann G. Mark  
Chair

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Daniel E. Chaika  
Vice-Chair

Jose Batista  
Vanessa Crum  
Ethan Gyles  
Elsa Dure  
M. Zachary Mezera

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Kathryn M. Sabatini  
Municipal Integrity Officer

October 8, 2015

The Honorable Luis A. Aponte  
Council President  
Providence City Council  
City Hall  
25 Dorrance Street  
Room 310  
Providence, RI 02903

Dear Council President Aponte:

Enclosed, please find a regulation pertaining to the Providence Ethics Commission's advisory opinion process for the City Council's consideration, approved by the Commission during its October 7, 2015 meeting.

Pursuant to Section 17-33(i)(2)(a) of the Code of Ordinances, the Providence Ethics Commission has the authority to render advisory opinions to employees or officials seeking guidance as to the application of the City's code of ethics to a particular set of facts. The Commission seeks to adopt the enclosed regulation to establish clear procedures for employees and officials to request advisory opinions and for the Commission to render same. In accordance with Section 17-33(i)(2)(e), the Commission sought the advice of the City Solicitor in drafting this regulation and now seeks the Council's consent to promulgate it.

Thank you again for your leadership on these important issues.

Very truly yours,

Susann G. Mark  
Chair, Providence Ethics Commission