



# Committee on Ordinances

Regular Meeting

~ Meeting Minutes ~

Wednesday, February 20, 2019

Upon the Rise of the  
5:30 o'clock P.M. Public Hearing

Committee "A" (City Hall)

PRESENT: Chairwoman Jo-Ann Ryan; Councilman Nicholas J. Narducci, Jr.; Councilwoman Mary Kay Harris and Councilwoman Rachel M. Miller – 4.

ABSENT: Vice-Chairwoman Carmen Castillo – 1.

Also present are Council President Sabina Matos; Etie-Lee Z. Schaub, Assistant City Solicitor, Law Department; Kunal Vasudev, Research Analyst, City Council Office; Beshka Kandell, Research Analyst, City Council Office; Jon M. Anderson; Robert Azar, Deputy Director, Department of Planning and Development; Jon Beck, Department of Planning and Development; Jordan Day, Deputy Chief of Operations Office and Municipal Liaison; Joelle Rocha, Esquire; Tina L. Mastroianni, First Deputy City Clerk and Jennifer L. Emidy, Assistant Clerk.

**1. 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 amend the Use Definition of a Rehabilitation Center.**

Discussion was held relative to the foregoing matter.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Narducci
<b>SECONDER:</b>	Councilwoman Miller
<b>AYES:</b>	Chairwoman Ryan, Councilman Narducci, Councilwoman Harris and Councilwoman Miller – 4.
<b>ABSENT:</b>	Vice-Chairwoman Castillo – 1.

**2. Petition from Jon M. Anderson, Brennan, Recupero, Cascione, Scungio & McAllister, LLP, dated January 7, 2019, requesting a zoning change to the text of Section 1204, "Use Definitions."**

CHAIRWOMAN RYAN: Can I have a motion to carry forward from the public hearing, letter submitted by the City Plan Commission, as Exhibit A

COUNCILWOMAN MILLER: So moved.

COUNCILWOMAN HARRIS: Seconded.

On motion of Councilwoman Miller, Seconded by Councilwoman Harris it is voted to enter Exhibit A, a letter from the City Plan Commission into the record.

CHAIRWOMAN RYAN: All those in favor say “aye”.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All opposed. The motion carries. May I have a motion to pass the amendment that was heard in the public hearing?

COUNCILWOMAN MILLER: So moved.

COUNCILWOMAN HARRIS: Seconded.

On motion of Councilwoman Miller, Seconded by Councilwoman Harris, it is voted to amend the foregoing petition.

CHAIRWOMAN RYAN: All those in favor say “aye”.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries.

Further discussion was held relative to the foregoing matter.

<b>RESULT:</b>	<b>APPROVED, AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilwoman Miller
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Chairwoman Ryan, Councilman Narducci, Councilwoman Harris and Councilwoman Miller – 4.
<b>ABSENT:</b>	Vice-Chairwoman Castillo –1.

- Petition from Joelle C. Rocha, Esquire, Kelly, Souza, Rocha & Parmenter, PC, 128 Dorrance Street, Suite 300, Providence, Rhode Island 02903, requesting a Zoning Change for the property located on Assessor's Plat 28, Lot 527 (16 Piedmont Street), from R-3 to C-1.**

CHAIRWOMAN RYAN: The Clerk has recommended amending the petition as we did in the public hearing to include lot 155 in this petition, can I have a motion to do so.

COUNCILMAN NARDUCCI: Motion made.

COUNCILWOMAN MILLER: Seconded.

On motion of Councilman Narducci, Seconded by Councilwoman Miller, it is voted to amend the foregoing petition to include lot 155.

CHAIRWOMAN RYAN: All those in favor say “aye”.

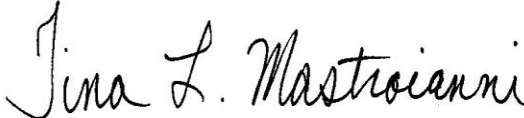
COMMITTEE: Aye.

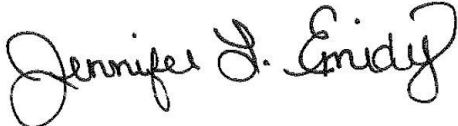
CHAIRWOMAN RYAN: All those opposed. The motion carries.

Further discussion was held relative to the foregoing matter.

<b>RESULT:</b>	<b>APPROVED, AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilwoman Harris
<b>SECONDER:</b>	Councilwoman Miller
<b>AYES:</b>	Chairwoman Ryan, Councilman Narducci, Councilwoman Harris and Councilwoman Miller – 4.
<b>ABSENT:</b>	Vice-Chairwoman Castillo –1.

**ADJOURNMENT:** On motion of Councilwoman Miller, Seconded by Councilwoman Harris, it is voted to adjourn at 6:48 o'clock P.M.

  
**First Deputy City Clerk**

  
**Assistant Clerk**

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

**CHAPTER**

No. **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 AMEND THE USE DEFINITION OF A REHABILITATION CENTER**

*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, and the Use Definitions of Article 12, Section 1204, with additions underlined and deletions struck out:

**ARTICLE 12. USES**

**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	RP	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	PS	OS	CD	Use Standard
Rehabilitation Center						<u>S</u>	<u>S</u>	S	<del>SP</del>	P	S		P		<u>P</u>	P	S				

**1204 USE DEFINITIONS**

**Rehabilitation Center.** A facility for treatment of alcohol or drug addiction that is licensed, certified, or accredited by the appropriate local, state, or federal agencies, in which ~~unrelated persons~~ patients are provided ~~treatment~~, addiction diagnosis and medication to treat addiction. The facility may also provide housing, food and supportive services.

**SECTION 2:** This ordinance shall take effect upon passage.



City Plan Commission  
Jorge O. Elorza, Mayor

February 20, 2019

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

Attn: Lori Hagen, City Clerk

**Re: Referral 3444-Petition to amend the definition of Educational Facility – Primary or Secondary to include the use of Day Care**

**Petitioner: Lincoln School**

Dear Chairwoman Ryan,

The City Plan Commission (CPC) reviewed the petition for a text change to the zoning ordinance that would amend the definition of Educational Facility – Primary or Secondary to include the use of day care center. The CPC voted as described below to make certain findings of fact and to recommend that the petition be granted.

**FINDINGS OF FACT**

The zoning ordinance defines an educational facility—primary or secondary as, “A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels. The petitioner is proposing to add that a daycare may be included as part of an educational facility. Based on their discussion and analysis, the CPC recommends that the definition be further expanded to also include preschools within the definition of educational facility. The CPC recommends that the following language be added to the definition of educational facility “A day care center and/or preschool may be included as part of an Educational Facility—Primary or Secondary.”

Educational Facilities – which include preschools – are permitted by right in residential zones but large daycares are not. Currently, many schools in residential zones have day care services that are considered nonconforming by use.

The day care use involves provision of care in lieu of parental supervision, which is similar to the function of a school and conforms to the type of activities conducted within schools. Therefore, the CPC found that the change would be appropriate as schools are equipped with buildings, facilities and staff that can operate day care centers in addition to academic functions. The CPC found that change would

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Attachment: CPC letter (23598 : EXHIBIT A-CPC letter)


allow daycares in zones where schools are also permitted and the presence of day care centers in schools is an amenity that would benefit residents.

The CPC found that inclusion of daycare and preschool in the definition of 'Educational Facility – Primary or Secondary' would be in character with the functions of, and amenities provided in schools. As daycare and preschool are requirements for many children, the CPC found that amendment of the definition would be in conformance with objective CS-1 of the comprehensive plan, which aims to ensure that children have the tools and opportunity to succeed in school and their future workplace. The CPC found that including daycare and preschool uses within the definition of educational facility would be in character with what is currently permitted and how schools operate. 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 found the proposed change to include daycares and preschools in the definition of 'Educational Facility – Primary or Secondary' to be in conformance with the comprehensive plan and purposes of zoning. The CPC unanimously voted to recommend that the City Council approve the proposed definition change with the inclusion of language regarding preschools as noted above.

Sincerely,



Choyon Manjrekar  
Administrative Officer